

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, October 21, 2002
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Cook called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
Absent: None

City Clerk Announced Late Communications Relative to Study Session Item – Hearthside Homes – Franchise Agreement – Southern California Water District – Bolsa Chica Mesa

Pursuant to the Brown (Open Meeting) Act, the City Clerk announced the following Late Communication, which had been distributed at the Study Session portion of the Council Meeting:

PowerPoint presentation from Administrative Services titled *Southern California Water Company's Request for Franchise*.

Public Comments

Flossie Horgan stated that eminent domain would cause giant problem from developer and due to California Coastal Commission and other issues, it would be premature for the city to proceed now.

Joey Racano concurred with Ms. Horgan, the first speaker. Mr. Racano stated that he is also in opposition to the Brightwater project as it is proposed to be built on Indian burial ground.

(City Council) Study Session Held – Presentation Made by the City Attorney and the Administrative Services Department Re: Hearthside Homes and a Franchise Application with Southern California Water for Proposed Water Services to be Supplied to the Bolsa Chica Mesa – Directed Staff to Follow Up on the Status of Other Cities and Governmental Entities Involved with Franchise Agreement (600.45)

City Administrator Ray Silver reported and introduced staff who is involved with the proposed franchise agreement: Administrative Services Director Clay Martin, Real Estate Services Manager Amy Bodek, Public Works Director Robert F. Beardsley, and Assistant City Attorney Scott Field.

The Office of the City Attorney and the Administrative Services Department provided a report regarding the franchise application for Southern California Water to construct and operate a water pipeline in Bolsa Chica Street, in order to provide water service to the Bolsa Chica Mesa.

Real Estate Services Manager Amy Bodek presented the PowerPoint slide report titled *Southern California Water Company Request for Franchise*. This report was a Late Communication which had been distributed at this Study Session portion of the Council meeting.

Ms. Bodek emphasized that the focus is more on the franchise request than the Brightwater Development, the project to which the public speaker alluded earlier.

Real Estate Services Manager Bodek spoke regarding the pipeline to Cypress in connection with the Southern California Water Company.

Staff informed Council that the city is silent on an ordinance relative to the water issue; that the Municipal Code must be amended to include it.

Assistant City Attorney Scott Field reported on the pending Southern California Water Company lawsuit, which he stated could compel the city to issue a franchise or initiate eminent domain.

Public Works Director Beardsley responded that what the city can gain by a franchise agreement is extra street repair.

Councilmember Green requested staff to provide information re: City Charter powers – the 1937 Franchise Act; what could reasonably be expected from a negotiated agreement and eminent domain.

Patrick Scanlon, Orange County District Manager, Southern California Water Company (SCWC) responded to Councilmember Boardman regarding why SCWC does not just proceed with eminent domain.

Administrative Services Director Martin was directed to follow up regarding the status as it relates to the City of Westminster, the Army Corps of Engineers, and other involved entities.

Motion to Recess to Closed Session – Approved

A motion was made by Boardman, second Houchen to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **John P. O'Meara v. City of Huntington Beach, et al.**; Orange County Superior Case No. 01CC12640. Subject: **John P. O'Meara v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **The Lincoln Club of Orange County, et al. v. City of Huntington Beach, et al.**; United States District Court Case No. SACV02-874 GLT (MLGx). Subject: **The Lincoln Club of Orange Co., et al. v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Acting Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **PMA, POA, MSOA, FMA, FFA, HBMEA, HBMEO, and SCLEA.** Subject: **Labor Relations – Meet and Confer.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Mesa Construction Projects, Inc. v. City of Huntington Beach**, Orange County Superior Court Case No. 02CC02620. Subject: **Mesa Construction Projects, Inc. v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Tierrasanta v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 775993. Subject: **Tierrasanta v. City of Huntington Beach.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
Absent: None

(Redevelopment Agency) Report of Action Taken Out of Closed Session – Approved the Agency Counsel's Request for the Redevelopment Agency to Execute Pursuant to Government Code § 54957.1 Partial Settlement in the Case Entitled *Mulligan v. Redevelopment Agency of the City of Huntington Beach*, Court of Appeal Case No. G028980 (Abdelmuti) (120.80)

Redevelopment Agency Counsel Gail Hutton, reported out that by a 7-0 vote, the Agency authorized the Agency Counsel in Closed Session on July 1, 2002, to negotiate a partial settlement of the Agency's appeal in *Mulligan v. Redevelopment Agency of the City of Huntington Beach*, Court of Appeal Case No. G028980. The settlement resolves the cross-appeals of the Agency and Abdelmuti, and provides that the Agency is to pay Abdelmuti \$112,000. The cross-appeals arose out of the Agency's claim that it was entitled to indemnification from Abdelmuti for Mulligan's inverse condemnation claim against the Agency.

Pursuant to the authority established in closed session, the Agency Chairperson is to sign and the Agency Clerk is to attest the attached agreement titled *Conditional Settlement Agreement*.

City Attorney Hutton stated no motion is necessary

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on Monday, October 21, 2002 (Pursuant to Government Code §54957.1(a) (2) Re: Tierrasanta v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 775993. Subject: Tierrasanta v. City of Huntington Beach. (600.10)

City Attorney Gail Hutton reported that on October 7, 2002, the City Council met in closed session regarding litigation that has been formally initiated to which the City is a party. The title of the litigation is **Tierrasanta v. City of Huntington Beach, et al., OCSC #775993**. The City Council approved the following action:

Motion to:

1. Approve and adopt the proposed settlement agreement attached hereto as Attachment No. 1; and
2. Authorize the Mayor and City Clerk to execute the Settlement Agreement on behalf of the City; and
3. Authorize the City Attorney to take all necessary actions to implement the Settlement Agreement.

Vote as follows:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

Pursuant to Government Code Section 54957.1(a)(3)(A), the substance of the agreement is as follows; 1) the parties will stipulate to a proposed judgment regarding the zoning of the property in question; 2) the cause of action regarding inverse condemnation will be dismissed; 3) the language regarding the easement on the property has been clarified; and 4) each party will bear its own costs and attorney's fees. A copy of the agreement is attached hereto and on file in the City Attorney's Office.

Pledge of Allegiance – Led by Chief Kenneth Small

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

PowerPoint presentation from Administrative Services titled *Southern California Water Company's Request for Franchise*.

PowerPoint presentation from the City Treasurer's Office titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity*.

Communication submitted by Planning Department to the City Clerk's Office received on October 18, 2002 titled *Water Quality Issues in the Parkside Estates EIR (97-2)*.

Communication submitted by Ronald Candipan to the City Clerk's Office on October 18, 2002 opposing the Parkside Estates proposed plans and development.

Communication submitted by Marty Annenberg received by the City Clerk's on October 21, 2002 opposing the proposed plans and development.

Communication submitted by Evan C. Henry of the Bolsa Chica Land Trust to the City Clerk's Office on October 21, 2002 requesting continuance for more study.

Communication received by the City Clerk's Office on October 21, 2002 from Bob and Anne Atkins in opposition to the proposed plans and development.

Communication No. 1 submitted by Laer Pearce & Associates received by the City Clerk's Office on October 21, 2002 transmitting post cards in favor and in denial of the proposed plans.

Communication No. 2 submitted by Laer Pearce & Associates received by the City Clerk's Office on October 21, 2002 transmitting post cards in favor and in opposition to the proposed plans.

Communication submitted by Bob Polkow received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

Communication submitted by Dan Lloyd received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

A fifteen page communication submitted by Julie Bixby in opposition titled *A River Runs Through It...*.

Communication from Amigos de Bolsa Chica dated October 21, 2002 in opposition to the EIR for the Parkside Estates Project submitted by Linda Moon.

PowerPoint presentation from the Planning Department titled *Parkside Estates Residential Project*.

Communication submitted by Stephen K. Bone of The Robert Mayer Corporation received by the City Clerk's Office on October 21, 2002 in favor of The Strand development.

Communication submitted by Charlie and Margie Bunten received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

Communication submitted by Bob Polkow received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

Communication submitted by Rutan and Tucker received by the City Clerk's Office on October 21, 2002 in opposition to D-2a, D-2b, and D-3 proposed plans and development.

PowerPoint presentation from the Planning Department titled *Appeal of the Strand at Downtown Huntington Beach "Blocks 104/105"*.

PowerPoint presentation from the Redevelopment Agency titled *Public Hearing on the Strand*.

Communication submitted by Fire Chief Michael Dolder titled *Addendum to Item F-1 Acceptance of Holmby Park Parcel and Environmental Indemnification Agreement* received by the City Clerk's Office on October 21, 2002.

The Following Additional Late Communications Were Submitted During the Meeting:

Photographs submitted during public comments by Dean Albright in opposition to Parkside Estates.

Communication from Bob Winchell dated November 21, 2002 (corrected date October 21, 2002) in opposition to Parkside Estates.

Communication from Bob Winchell dated November 21, 2002 (corrected date October 21, 2002) regarding geological and engineering recommendations if the EIR is approved for Parkside Estates.

A two-page map submitted by Charles Beauregard titled "*Mapquest*" *Shea Homes Parkside (proposed)* describing the proposed Parkside Estates land is part of the Bolsa Chica Local Coastal Program.

A PowerPoint presentation submitted by Bob Harrison dated Oct 21, 2002 titled *HB City Council Parkside*.

A multiple page communication submitted by Robert Roy van de Hoek dated October 21, 2002 titled *Report for the Bolsa Chica North-East Wetland "Wintersburg Wetland (proposed Shea Parkside Estates development)"*.

A multiple page communication submitted by Marcia Hanscom titled *Wetlands Action Network* dated October 21, 2002 regarding the use of the Bolsa Chica NorthEast Wetland for the proposed Parkside Estates.

A PowerPoint titled *Shea Homes Parkside Estates* was presented by Ron Metzler, Vice President of Planning and Development and a hard copy is available at the City Clerks Office for Public Review.

A communication submitted by the City Attorney dated October 21, 2002 subject *Report of Closed Session Action By City Council Regarding Tierrasanta v. City, et al., OCSC #775993*.

A communication submitted by Frank Alfonso dated October 21, 2002 regarding Appeals of the Planning Commission's Approval of The Strand at Downtown Huntington Beach – Blocks 104/105.

A communication submitted by Joey Racano dated October 21, 2002 titled *Environmental Studies Program* promoting environmental education and awareness.

The Mayor's Award was presented by Mayor Debbie Cook and Fire Chief Michael Dolder to Lisa Kennedy, Account Technician in the Fire Department. Fire Chief Dolder spoke regarding the manner in which Lisa Kennedy goes above and beyond in performing her job; also the multitude of special work projects she volunteers for as well as volunteering for many charitable and community activities. (160.40)

Presentation by Mayor Debbie Cook; Howard Zelefsky, Director of Planning; and Al Hendricker, Environmental Board Chair to Award Recipients of the 2002 Environmental Board Awards. (160.40)

The Rotary Club of Huntington Beach and the Huntington Beach Sunrise Rotary Club	Terry Hall Lee Love
Bolsa Chica Steward Field Guide Training Manual compiled by Marinka Horack	Marinka Horack
HB Tree Society	Jean Nagy
OC Conservation Corp, City of HB and Rainbow Disposal	Josh Volp, Robert F. Beardsley, Ron Shenkman
Air Cleaning Solutions	Roy Gerber
Ecology Tire	Mike and Don Ramsey
Golden West College Environmental Studies	Connie Haw, Tom Hersh, and Marius Cucurny
Orange County Coastkeeper	Gary Brown
Trudy Ibbetson – various programs: Raising coastal oak trees for planting in Shipley Nature Center. Recruited Volunteers for care of the trees. Started a recycling program at Spring View Middle School	Trudy Ibbetson

Presentation by Mayor Debbie Cook and Councilmember Ralph Bauer, of a plaque to the 1975 League of Women Voters who first raised the issue that all of the Bolsa Chica Wetlands be saved for the people of California. (160.40)

Public Comments

Joey Racano distributed a Late Communication titled *Environmental Studies Program*. He informed Council that the Orange County Sanitation District voted to give up the Federal Section 301-H waiver but the battle for clean coastal water is not yet over. He cited various allegedly costly programs that the Orange County Sanitation District is proposing instead of focusing on full secondary treatment.

Donald Hebard spoke in opposition to the Federal Emergency Management Act (FEMA) Flood Zone changes. Mr. Hebard stated it will place the community in hazard as flood insurance rates to homeowners increased due to flood map revisions. He stated that Shea Homes would improve this condition.

Denyse Scarberry spoke in opposition to trucks in her neighborhood displaying aborted fetuses and other pictures because of the effect on children who are not ready to view these pictures. Ms. Scarberry stated this is a result of the ordinance that prohibits aerial advertising banners on planes. She also stated that campaign literature distributed on a school campus is against the law.

Debbie Borden spoke in opposition to the lack of the invocation on the agenda and offered a prayer.

Clem Dominguez requested that Council delay action on the proposed Strand Project and also Parkside Estates due to cost issues and to allow the incoming Council to decide on these issues. Mr. Dominguez also stated that a new appraisal is needed.

Sue Dominguez requested that Council consider a six-month trial period of eliminating the Police helicopter and not having them on constant patrol, only to use on an emergency basis. Ms. Dominguez believes a study should be made during those six months to evaluate the noise level, cost savings, and the crime curve.

John Briscoe spoke alleging that the Ocean View School District Board of Trustees did not follow through in the reporting of information, relative to alleged actions harmful to students, that was legally required to be reported. Mr. Briscoe submitted to the City Clerk, Chief of Police, and Council a video tape of testimony given on this matter.

Robert Thomas spoke in opposition to the public comments of October 7, 2002 given by Mr. and Mrs. Borden. Mr. Thomas spoke in opposition to Mr. Borden's speech regarding the Ocean View School District.

Jim Erwin requested Council to consider a law to disallow out of state people or businesses from contributing to a local election campaign. He also suggested that a cap on campaign expenditures.

Steve Ray announced he is a candidate running for City Council at the upcoming November 5, 2002 Election. He asked Council to either delay or deny the permit to continue on the Parkside Estates Project. Mr. Ray stated he would prefer to speak during the Public Comments, rather than the Public Hearing portion of the meeting. Mr. Ray stated his belief that this open space area is a wetland and should be protected.

Allen McGee spoke in opposition to what he believes is lack of public input on the development of the proposed fee schedule for live-aboards in Huntington Harbour.

Bill Orton informed Council he opposed to the lack of a forum offered in Huntington Beach for Assemblyman Tom Harman and he in which to debate. Mr. Orton urged everyone to vote. He informed Council of his preference to speak during Public Comments and not at the Public Hearing to state his opposition to the Parkside Estates Project for reasons of traffic congestion.

(City Council) Adopted Resolution No. 2002-106 Amending and Reconstituting the Human Relations Task Force as a Committee of the City of Huntington Beach and Approved Initial Appointments of Alan Chancellor – Charles Goldenberg – Ken Inouye – Karen Jackle – Sid Kuperberg and Fred Provencher (570.70)

The City Council considered a communication from the Human Relations Task Force Council Liaisons, Councilmembers Shirley Dettloff and Ralph Bauer informing Council that on May 6, 1996, the City Council approved the "Declaration of Policy about Human Dignity" currently displayed in City Council Chambers. As a result of that action and the interest of a large number of residents, the Human Relations Task Force was created as an official committee of the city on April 7, 1997. That action authorized the Task Force to continue until January 2, 2001, at which time it would be reauthorized to continue or be disbanded. Existing membership includes 25 adults, 7 student members and alternates from the local high schools within the Huntington Beach Union High School District (Edison, Fountain Valley, Marina, Huntington, Ocean View, Westminster, Valley Vista), as well as 1 student member and alternate from Golden West College.

Over these five years, members of the Task Force have served well in fulfilling their mission of "promoting and celebrating diversity in the community through education and understanding." Annual events sponsored by the Task Force have ranged from the week-long "Days of Dialogue" where individuals and organizations participated in facilitated discussions to the Cultural Diversity Festival consisting of ethnic dancing, singing, and food in Huntington Central Park last October. Their work has also extended to the middle schools through the sponsorship of field trips to the Museum of Tolerance in Los Angeles, as well coordinated efforts to supplement ongoing multi-cultural activities with the local high schools. The Task Force continues to stand ready to speak out against hate crimes and to lend assistance to victims as needed through coordinated efforts with the Police Department and the Orange County Human Relations Commission.

Proposed Re-authorization

At this time, we are recommending that the Task Force be re-authorized to continue in its mission on behalf of the City albeit in a reconfigured manner. It is proposed that the total Task Force membership be reduced to nine. It is our belief that this will create a more efficient operating body and ease some of the administrative burden associated with 33 voting members (25 adults, 7 students) plus 8 alternates. Together the nine will identify future programming areas and assign areas of responsibility for each member, such as education outreach, fund raising, community interface, events, etc.

The Task Force was informed of our proposed recommendations at their September 9 and October 1, 2002, meetings and requested to submit applications. Vacancy notices were also posted, including a press release. Members not interested in actively participating as voting members have been advised that they are welcome to serve as volunteer at-large members, similar to the existing practices of the Fourth of July Executive Board. As specific events are identified and program areas are further refined, former members are welcome to volunteer as interest and time allows.

As Council Liaisons to this Task Force since its inception, our recommended motion is to reconfigure the Task Force as identified and appoint new members. Following reconfiguration, the Task Force will elect a new Board and return to the City Council for approval of revised by-laws.

Currently six members have expressed interest in continuing. **Three vacancies remain open and will be forwarded for City Council approval as required.** A motion was made by Dettloff, second Green to:

1. Adopt **Resolution No. 2002-106** reconfiguring the Human Relations Task Force titled “*A Resolution of the City Council of the City of Huntington Beach Amending and Reconstituting the Human Relations Task Force as an Official Committee of the City of Huntington Beach;*”
and
2. Approve the initial appointments with terms to expire as follows:

Initial Appointments	
Term to Expire December 31, 2004	Term to Expire December 31, 2006
Alan Chancellor	Fred Provencher
Charles Goldenberg	3 Vacancies
Ken Inouye	
Karen Jackle	
Sid Kuperberg	

The motion carried by the following roll call vote.

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None

(City Administrator’s Report) Announced Police Chief Kenneth Small’s Oath of Office (Swearing-In) Ceremony is on Tuesday, October 22, 2002 (600.10)

City Administrator Ray Silver announced Police Chief Kenneth Small’s Oath of Office (Swearing-In) Ceremony will be held on Tuesday, October 22, 2002, at 9:00 a.m., City Hall Amphitheater.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer’s August 2002 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for August 2002.

City Treasurer Shari Freidenrich gave a PowerPoint presentation titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* which was announced as a Late Communication earlier by the City Clerk.

City Treasurer Freidenrich announced the upcoming joint meeting of the City Council and the Investment Advisory Board on November 18, 2002.

A motion was made by Boardman, second Houchen to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for August 2002*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None

There are three parts of the following Public Hearing Agenda Item. They are inter-related and were presented as one public hearing.

(City Council) Public Hearing Part 1 of 3 – Certified Environmental Impact Report (EIR) No. 97-2 and Denied Appeal Filed by Mayor Debbie Cook of the Planning Commission's Approval of the EIR (See Agenda Item D-1c for Appeal of Tentative Tract Map Nos. 15377 (City) and 15419 (County), Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18) (Parkside Estates 17301 Graham Street, s/o Warner Avenue, Adjacent to Wintersburg Flood Channel) – (Applicant - Shea Homes) – Adopted Resolution No. 2002-97 (440.50)

Mayor Cook announced that this was the time scheduled for a public hearing to consider:

Applicant: Shea Homes

Appellant: Debbie Cook, Mayor for the City of Huntington Beach

Request: Appeal of the Planning Commission's approval of the following:

Staff Report No. 1 of 2 Reports addresses the Environmental Impact Report (EIR): Certification of EIR No. 97-2 which analyzes the potential environmental impacts associated with the implementation of the proposed project.

Part 3 of 3 of this set of minutes sets forth Staff Report No. 2, which addresses all of the following:

Tentative Tract Map No. 15377 (TTM): To subdivide approximately 45 acres into 162 residential lots (City), and to subdivide approximately 4.5 acres into 9 residential lots (County).

Conditional Use Permit No. 96-90 (CUP): To develop 171 single-family residential units, including creation of property development standards for dual-product lot sizes, associated infrastructure improvements, 8.2 acres of park improvements, proposed retaining walls with heights of greater than two (2) feet, and develop on a property with a grade differential of greater than three (3) feet between low and high points on the property.

Coastal Development Permit No. 96-18 (CDP): To permit subdivision and development of the site and associated infrastructure improvements pursuant to the TTM and CUP.

Location: 17301 Graham Street (west side of Graham Street, south of Warner Avenue, adjacent to the Wintersburg Flood Control Channel).

See End of Part 3 for Votes Taken on all Recommended Actions.

(City Council) Public Hearing Held 2 of 3 – Approved General Plan Amendment No. 98-1/Zoning Map Amendment No. 96-5A & 5B/Local Coastal Program Amendment No. 96-4/Annexation No. 98-1 – Applicant, Shea Homes – Parkside Estates Residential Project – 17301 Graham Street, s/o Warner Avenue, Adjacent to Wintersburg Flood Channel – Adopted Resolution Nos. 100, 101 and 102 and Approved for Introduction Ordinance Nos. 3584 and 3585 (440.50)

Applicant: Shea Homes

Request: General Plan Amendment No. 98-1 (GPA): To redesignate 2.8 acres of RL-7 (Residential Low Density) property to OS-P (Open Space-Park); to designate approximately 1.5 acres of the unincorporated parcel as RL-7 (Residential Low Density), and approximately 3.0 acres of the unincorporated parcel as OS-C (Open Space- Conservation); and to amend the Pubic Facilities Element by removing the fire station designation on the subject site.

Zoning Map Amendment No. 96-5A & B (ZMA): A) To rezone approximately 40 acres of property to add a CZ (Coastal Zone Overlay) to the existing RL-FP2 (Low Density Residential – Floodplain Overlay) designation, and rezone approximately 8.2 acres from RA-CZ (Residential Agriculture – Coastal Zone) and RL-FP2 to OS-PR-CZ (Open Space – Parks and Recreation – Coastal Zone) consistent with the General Plan; **B)** To prezone approximately 1.5 acres of the unincorporated parcel to RL-7 (Residential Low Density), and approximately 3.0 acres of the unincorporated parcel to OS-C (Open Space Conservation).

Local Coastal Program Amendment No. 96-4 (LCPA): To amend the City's Local Coastal Program's Land Use Plan and implementing ordinances in accordance with the GPA and ZMA and forward to the California Coastal Commission for certification.

Annexation: Annexation of approximately 4.5 acres into the City from the County of Orange.

Location: 17301 Graham Street (west side of Graham Street, south of Warner Avenue, adjacent to the Wintersburg Flood Control Channel);

See End of Part 3 for Votes Taken on all Recommended Actions.

(City Council) Public Hearing Held Part 3 of 3 – Approved Tentative Tract Map Nos. 15377 (City) and 15419 (County), Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18 (See Agenda Item D-1a for Appeal of Environmental Impact Report (EIR) No. 97-2) (Applicant: Shea Homes for Parkside Estates, 17301 Graham Street, s/o Warner Avenue, Adjacent to Wintersburg Flood Channel) and Denied Appeal Filed by Mayor Debbie Cook of the Planning Commission's Approval (440.50)

Applicant: Shea Homes

Appellant: Debbie Cook, Mayor for the City of Huntington Beach

Request: Appeal of the Planning Commission's approval of the following:

Environmental Impact Report (EIR): Certification of EIR No. 97-2 which analyzes the potential environmental impacts associated with the implementation of the proposed project **(See Minute Item Part 1 of 3 with Staff Report No. 1).**

Staff Report 2 with this item addresses all of the following:

Tentative Tract Maps (TTM) No. 15377 (City) & 15419 (County): To subdivide approximately 45 acres into 162 residential lots (City), and to subdivide approximately 4.5 acres into 9 residential lots (County).

Conditional Use Permit No. 96-90 (CUP): To develop 171 single-family residential units, including creation of property development standards for dual-product lot sizes, associated infrastructure improvements, 8.2 acres of park improvements, proposed retaining walls with heights of greater than two (2) feet, and develop on a property with a grade differential of greater than three (3) feet between low and high points on the property.

Coastal Development Permit No. 96-18 (CDP): To permit subdivision and development of the site and associated infrastructure improvements pursuant to the TTM and CUP.

Location: 17301 Graham Street (west side of Graham Street, south of Warner Avenue, adjacent to the Wintersburg Flood Control Channel).

Appealable Jurisdiction of Coastal Zone:

Notice is hereby given that these agenda items which includes Coastal Development Permit No. 96-18 filed on October 8, 1996, is located within the appealable` jurisdiction of the Coastal Zone and an Area of Deferred Certification of the Coastal Zone. Final action is conditional upon the California Coastal Commission certifying Local Coastal Program Amendment No. 96-4.

Notice is hereby given that the Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. City Council action on the Coastal Development Permit may be appealed to the California Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the California Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The California Coastal Commission address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

Environmental Status: Notice is hereby given that **Environmental Impact Report No. 97-2** for these agenda items was processed and completed in accordance with the California Environmental Quality Act. It was determined that these agenda items could have a significant environmental effect and, therefore, an environmental impact report is warranted.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Howard Zelefsky Planning Department Director announced the individuals present to answer any questions Council may have.

Scott Hess, Planning Manager, presented the first portion of a PowerPoint slide report titled *Parkside Estates Residential Project* which had been announced earlier as a Late Communication by the City Clerk.

Mary Beth Broeren, Principal Senior Planner presented the last portion of the PowerPoint slide report titled *Parkside Estates Residential Project* which had been announced earlier as a Late Communication by the City Clerk.

Mayor Cook declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by Planning Department to the City Clerk's Office received on October 18, 2002 titled *Water Quality Issues in the Parkside Estates EIR (97-2)*.

Communication submitted by Ronald Candipan to the City Clerk's Office on October 18, 2002 opposing the Parkside Estates proposed plans and development.

Communication submitted by Marty Annenberg received by the City Clerk's on October 21, 2002 opposing the proposed plans and development.

Communication submitted by Evan C. Henry of the Bolsa Chica Land Trust to the City Clerk's Office on October 21, 2002 requesting continuance for more study.

Communication received by the City Clerk's Office on October 21, 2002 from Bob & Anne Atkins in opposition to the proposed plans and development.

Communication marked No. 1 submitted by Laer Pearce & Associates received by the City Clerk's Office on October 21, 2002 transmitting post cards in favor and in opposition to the proposed plans.

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Communication submitted by Bob Polkow received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

Communication submitted by Dan Lloyd received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

A fifteen page communication submitted by Julie Bixby in opposition to the project titled *A River Runs Through It...*.

Communication from Amigos de Bolsa Chica dated October 21, 2002 in opposition to the EIR for the Parkside Estates Project submitted by Linda Moon.

PowerPoint presentation from the Planning Department titled *Parkside Estates Residential Project*.

Mayor Cook announced Mark Bixby will represent her as the appellant.

Mark Bixby, member of Neighbors for Wintersburg Wetlands Restoration, gave a PowerPoint presentation titled *Neighbors for Wintersburg Wetlands Restoration* which was part of a 194 page communication included in the agenda packet. Mr. Bixby urged Council to deny certification of the Environmental Impact Report 97-2 stating there are serious problems with the 1997 delineation of the city parcel. He specified 1) incomplete analysis of aerial photography; 2) consecutive days of ponding occurs in the dry, average and wet years; 3) the topography and soil has changed; 4) insufficient hydrological testing; 5) the old 1997 delineation is rapidly approaching the five year expiration date and portions are already five years old; 6) the National Food Safety Act Manual should be used for federal delineation of agricultural land and has never been used for the city parcel.

Julie Bixby delivered a PowerPoint presentation titled *A River Runs Through It* which was announced earlier as a Late Communication by the City Clerk. She stated 1) there are still serious EIR (Environmental Impact Report) questions that haven't been answered; 2) there is daily noise from planes; 3) the soil has not been tested for PCB contamination; 4) fire and medical aid response times; 5) possible odor problem and 6) the negative water quality impacts from the proposed Parkside project runoff. Ms. Bixby urged Council to overturn the Planning Commission's recommendation.

Bob Harrison, President Conex Systems, representing Amigos de Bolsa Chica, presented a PowerPoint slide show dated Oct 21, 2002 titled *HB City Council Parkside* which was submitted as a Late Communication during the public comments portion of the meeting. Mr. Harrison spoke in opposition to the project and asked that Council, before making its decision, consider the following issues, cautioning that the 1) Slater Pump Station flow volume will increase resulting in equipment additions, upgrades, and increased maintenance; and 2) evidence shows high bacteriological levels in the Slater Channel and Slater Pump Station and additional runoff will only increase the pollutant levels.

Monica Hamilton urged Council to delay the decision on the proposed Parkside Estate project for further study, stating that flooding would be a problem for the adjacent tract on Kenilworth Drive. She also expressed concerns regarding additional subsidence during the construction process, soil and water testing, liquefaction and traffic issues. Ms. Hamilton continued delivering the PowerPoint slide report titled *Neighbors for Wintersburg Wetlands Restoration*.

Ron Metzler, Vice President of Planning and Development Shea Homes, presented a PowerPoint slide show titled *Shea Homes Parkside Estates*. A hard copy of said presentation is available at the City Clerks Office for public review. Mr. Metzler urged Council to approve the Environmental Impact Report and proposed Parkside Estates project for the following reasons 1) approximately 7,000 residences and businesses will benefit from the removal of the federal government mandatory flood insurance requirements; 2) the proposed restriping on Graham street with a new signal would improve the traffic flow issue; 3) Greenleaf Lane will be used for emergency access only; 4) natural resources will be preserved; and 5) the regional infrastructure improvements to the Slater Pump Station with two new pumps, new storm drain lines, proposed storm drains and a water quality treatment facilities system, and improvement of the flood control channel will benefit the public.

Daniel Burbidge urged Council to support the Parkside project for reasons that it would provide relief from high flood insurance premiums for approximately 7,000 residences.

Tonette Demoray informed Council she supports this project. Ms. Demoray stated that she has reviewed the plans and feels they successfully address all of the issues such as traffic and flood.

Sing Joe Kong called Council's attention to his communication which was included in the agenda packet. He expressed the detrimental effects on the quality of life and safety of citizens if the proposed Parkside Estates project is approved. Mr. Kong urged Council to overturn the Planning Commission's decision and deny the permit.

Ernest Bartolo asked Council to approve the proposed Parkside Estate Development. Mr. Bartolo stated the project mitigated every impact and will generate tax revenue for the city.

Linda Moon, President of Amigos de Bolsa Chica, stated that in her opinion this property is part of the Bolsa Chica Wetlands ecosystem and the proposed Parkside Estates project should not be approved. Ms. Moon spoke in opposition to the proponent's claims regarding the Environmental Impact Report stating what she perceives to be the inadequacy of the water quality analysis. She stated that she found the Rivertech Study as misleading and urged Council to deny this project.

Brian Westcott, representative of Amigos de Bolsa Chica, informed Council that the best use of this property is as constructed wetlands. He stated the soil needs to be tested for contaminants such as PCB, which he alleged has been found in the nearby Wintersburg Channel. Mr. Westcott questioned what influence the flood insurance and FEMA (Federal Emergency Management Act) study has on the citizens who are in favor of this project.

Gary Mathisen voiced his concerns regarding noise and air quality and asked Council to vote in opposition to the proposed Parkside Estates project.

Ron Roth urged Council to support the proposed Parkside Estates project. He spoke regarding the flood zone and FEMA's assessment. Mr. Roth stated that in his opinion the proposed flood control improvements of the storm drain with this project would benefit the area if there is a real threat of flooding.

Adam Rodell informed Council he attended the Planning Commission meetings and that he is speaking on behalf of the homeowners that this project is in compliance with flood zone requirements. Mr. Rodell stated the proposed Parkside Estate project would increase property tax revenues for the city and county.

Dianne Thompson informed Council that she is an insurance agent and is in support of the proposed Parkside Estates project as will save many homeowners from paying floodplain insurance premiums. Ms. Thompson cited flood control improvements for the city.

Robert Roy van de Hoek, Director, Research & Restoration for Wetlands Action Network, submitted a Late Communication dated October 21, 2002 and titled *Report for the Bolsa Chica North-East Wetland "Wintersburg Wetland (Proposed Shea Parkside Estates Development)"*. He spoke regarding the findings from his investigation and cited excerpts from the report, including that this proposed development area qualifies as constructed wetlands and has evidence of "ponding."

Marcia Hanscom, Executive Director Wetlands Action Network, submitted a Late Communication titled *Wetlands Action Network* dated October 21, 2002 regarding the use of the Bolsa Chica NorthEast Wetland for the proposed Parkside Estates. Ms. Hanscom asked Council to deny certification of the EIR (Environmental Impact Report) stating 1) evidence of numerous wetland characteristics; 2) legal reasons why the EIR is insufficient; and 3) an independent wetland delineation needs to be done. Ms. Hanscom referred to the previous speaker, Mr. Van de Hoek's report.

Patricia Keppler informed Council that she is very concerned about the risk of potential damage to her property during and after completion of the proposed Parkside Estates project. Ms. Keppler stated her opposition to cross traffic conditions in her neighborhood.

Jennifer Reidel urged Council to deny the proposed Parkside Estates project, voicing her concerns about transporting potentially contaminated soil via trucks from this site up city streets and through her neighborhood. Ms. Reidel stated that a chemical analysis should be conducted. She spoke regarding instances of respiratory problems and cancer being experienced by residents allegedly due to dirt being excavated in the area.

Eileen Murphy spoke on behalf of the Bolsa Chica Land Trust and stated that this area should be classified as constructed wetlands. She asked Council to deny the proposed project.

Marty Annenberg urged Council not to approve the lots for homes that are proposed for Parkside Estates, which are elevated higher than the lots for Prestige Homes. Mr. Annenberg stated that he resides in that neighboring tract and fears his property will be flooded when the lots drain during a storm.

Priscilla Wolz voiced her concerns regarding the proposed Parkside Estates. She stated her opinion that a new traffic study should be done; this project has the potential to create serious problems for the residents of this area; and questioned when would the proposed flood improvements be completed. Ms. Wolz stated that it is unclear what steps are being taken against subsidence problems.

Robert Winchell, stated that he is speaking as a geologist and concerned citizen, distributed to the City Councilmembers two communications dated November 21, 2002 in opposition to Parkside Estates regarding 1) geological concerns that he believes were not addressed by the consultant and 2) a summary of recommended conditions if the Environmental Impact Report is approved for Parkside Estates. Mr. Winchell asked Councilmembers to consider his communications when forming their decision.

Paul Arms informed Council that he is speaking on behalf of the Bolsa Chica Land Trust. He urged Council not to approve the Environmental Impact Report and the proposed Parkside Estates project. He stated the belief that all remaining open space in the Bolsa Chica should be preserved and saved and classified as wetlands. Mr. Arms spoke regarding ponding and drainage issues.

Bob Hankin voiced his concerns that if the proposed Parkside Estates development is approved, Shea Homes, the developer, should provide another entry for the benefit of the existing Prestige Homes tract.

Daniel Hankin spoke in opposition to the proposed Parkside Estate property for reasons that it is on wetlands. He stated the belief if the project is approved there will be a huge traffic problem and requested that Shea Homes, the developer provide an extra access road to the Bolsa Chica.

Dean Albright submitted two sets of maps and photographs and spoke in opposition to Parkside Estates. His photographs showed ponding during the dry season and nesting birds at the proposed site. Mr. Albright stated that the city needs to upgrade our flood control channels to eliminate the need for floodplain insurance.

Earl Pritchard informed Council that he shared costs and participated as the Bella Terra Project Manager with Shea Homes during the floodplain system research. He stated that the results were submitted to FEMA (Federal Emergency Management Agency) and approximately 7,000 residences and businesses would benefit from the removal of the mandatory flood

insurance requirements. Mr. Pritchard stated that if the proposed Parkside Estates project does not get approved, then Bella Terra will have difficulties proceeding with the Huntington Center Mall remodel, as his project is impacted by the same storm drain upgrade as the proposed Parkside Estates project.

Charles Beauregard brought a copy of the Local Coastal Program Environmental Impact Report and submitted to Council a two-page map describing the proposed Parkside Estates land as being part of the Bolsa Chica Local Coastal Program. He urged Council to deny this project.

Jan Vandersloot, member of the Bolsa Chica Land Trust, informed Council of his opinion that the proposed Parkside Estates project location is part of the Bolsa Chica and should be restored as constructed wetlands. He stated the belief that this site meets the classification requirements and asked Council to postpone its decision until proper delineation is completed.

Douglas Stewart voiced his opinion that the Environmental Impact Report (EIR) is incomplete and requested Council to disallow the application as the mitigation is inadequate on the proposed Parkside Estate project. Mr. Stewart spoke against non-city employees working on the storm drain project.

Joe Buley urged Council to approve the proposed Parkside Estate project. He complimented Shea Homes for proposing to develop the proposed drainage improvements, which he stated will benefit the community.

Joyce Riddell, President, Huntington Beach Chamber of Commerce, informed Council that the Chamber Board of Directors reviewed the plans and recommends that Council uphold the Planning Commission's decision and support the proposed Parkside Estates project. Ms. Riddell stated the removal of the floodplain zones would benefit approximately 7,000 homeowners by relieving them from paying flood insurance premiums.

Flossie Horgan, representative, Bolsa Chica Land Trust, urged Council to return the proposed Parkside Estate project for further review. Ms. Horgan referred to a communication from the Coastal Commission stating that the water quality analysis in the Parkside Environmental Impact Report maintains having significant problems.

Richard Harlow, representative of Shea Homes, informed Council of the thorough study that the developer conducted on the proposed Parkside Estates property in order to benefit the community. He stated that this project 1) offers a large park dedication; 2) will preserve the natural resources; 3) conforms to low-density residential area requirements; and 4) offers regional public benefits. He stated his belief that Shea Homes has responded to the issues and concerns of the neighborhood. Mr. Harlow asked Council to agree with the Planning Commissions recommendation and go forward with this project.

As there were no persons present to speak further on the matter and there were no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Dettloff asked staff what studies were done and how they arrived at the city's position regarding the wetlands determination.

Jayna Morgan, EDAW consultant, informed Council of her company's involvement with this project since 1997 and what steps they have taken to arrive at their recommendation to approve the proposed project being presented to Council at this evening's meeting.

Lisa Kegence of Tom Dodson & Associates, clarified their position regarding the difference between prior converted cropland and farmed wetlands, reporting on the agricultural aspects of the project.

Lisa Kegence reported to Councilmember Dettloff as to why the latter does not concur with earlier comments from a previous speaker, Robert Roy van de Hoek, the biologist who stated that the plant species indicate that this site is a wetland.

Jim Castles, a Geotechnical Civil Engineer for Pacific Soils Engineering Inc., explained the grading operation and liquefaction mitigation in response to Councilmember Dettloff's concerns as to whether there would be any additional subsidence (cracked wall, fences, etc.) to the existing residences on the Kenilworth Drive tract during the grading and soil preparation.

Mayor Pro Tem Boardman received clarification from Jim Castles as to when the grading activities would start based on the ground water regimen to which he referred.

Lisa Kegence responded to Mayor Pro Tem Boardman's inquiry if the 1987 Army Corps of Engineers Delineation Manual is still valid for wetlands delineation, and what the distinction is between the Army Corps Manual and the National Food Safety Act Manual.

Mayor Pro Tem Boardman received responses from staff and project consultants regarding 1) the number of truckloads of soil to be transported; 2) the water test pit locations and how they were chosen; 3) the potential for soil contamination and testing for PCB contamination; 4) confirmation on the proximity of this site to the Bolsa Chica Mesa; and 5) what the city would have to do to resolve the issue of flood zone insurance requirements for this area if the project was not approved.

Ron Metzler, Vice President of Planning and Development Shea Homes, responded to Councilmember Winchell's inquiry regarding the developer's ability to get the dirt fill from the Hearthside Project site, and whether or not there are alternative sites and what impact would that have.

Staff responded that they would do the calculations as to how many truck load trips would be required.

Public Works Transportation Manager Bob Stachelski reported on the proposed channel, pump station, and storm drain improvements.

Councilmember Bauer spoke in favor of the project, stating that 1) the preponderance of information indicates it is not wetlands; 2) the single entrance residences do not pose a traffic problem; 3) the CEQA (California Environmental Quality Act) requirements are being followed; 4) the project is in compliance with the General Plan; and 5) the city will get affordable housing.

Councilmember Houchen received clarification from staff that the homes in question would not receive a drop in their flood insurance rates if the project is not approved.

Principal Planner Mary Beth Broeren reported that the project has no significant effects with regard to Huntington Harbour.

Planning Director Howard Zelefsky informed Council that the project is consistent with respect to Best Management Practices.

Public Works Director Robert F. Beardsley and Transportation Manager Stachelski responded to Councilmember Houchen's inquiry as to how the re-striping of Graham Street would mitigate traffic congestion.

Councilmember Grace Winchell expressed concern on how run-off is being addressed. Principal Planner Broeren reported on planned storm drain improvements in response.

Public Works Director Beardsley added that he will check grading issues.

Mike Mills, representative of Pacific Soils, recapped on the role of his agency on the project.

Councilmember Dettloff commented as a California Coastal Commissioner. She spoke about the Water Quality Unit, with regard to the project using Best Management Practices.

Mayor Pro Tem Boardman spoke in opposition to the proposed certification of the Environmental Impact Report, stating problems, including 1) there is no description as to the location of the Bolsa Chica, and 2) her opposition to the proposed planting of Eucalyptus trees.

Mayor Cook announced that the Metropolitan Water District (MWD) owned the property prior to Shea Homes, and stated that a new NPDES (National Pollutant Discharge Elimination System) permit is required. Mayor Cook requested Wetlands delineation.

Following are the roll call votes on Parts 1-3 of the preceding Public Hearing:

(City Council) Public Hearing Part 1 of 3 – Certified Environmental Impact Report (EIR) No. 97-2 and Denied Appeal Filed by Mayor Debbie Cook of the Planning Commission's Approval of Environmental Impact Report (EIR) No. 97-2 (See Agenda Item D-1c for Appeal of Tentative Tract Map Nos. 15377 (City) and 15419 (County), Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18) (Parkside Estates 17301 Graham Street, s/o Warner Avenue, Adjacent to Wintersburg Flood Channel) – (Applicant - Shea Homes) – Adopted Resolution No. 2002-97 (440.50)

A motion was made by Bauer, second Green to Certify Environmental Impact Report No. 97-2 by adopting **Resolution No. 2002-97** – “A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report Number 97-2 for the Parkside Estates Project.” **(Attachment No. 1 - on file with the City Clerk's Office)**. The motion carried by the following roll call vote:

AYES:	Green, Dettloff, Houchen, Bauer
NOES:	Boardman, Cook, Winchell
ABSENT:	None

(City Council) Public Hearing Held 2 of 3 – Approved General Plan Amendment No. 98-1/Zoning Map Amendment No. 96-5A & 5B/Local Coastal Program Amendment No. 96-4/Annexation No. 98-1 – Applicant, Shea Homes – Parkside Estates Residential Project – 17301 Graham Street, s/o Warner Avenue, Adjacent to Wintersburg Flood Channel – Adopted Resolution Nos. 100, 101 and 102 and Approved for Introduction Ordinance Nos. 3584 and 3585 (440.50)

A motion was made by Green, second Bauer to

1. Approve General Plan Amendment No. 98-1 by adopting **Resolution No. 2002-100**– “*A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 98-1*” (**Attachment No. 1 – on file with the City Clerk’s Office**);

and

2. Approve Zoning Map Amendment No. 96-5A & 5B with Findings for Approval (**Attachment No. 2* – See the end of the agenda item in this set of minutes**) and after the City Clerk reads by title, approve for introduction by roll call vote the following two ordinances:

Ordinance No. 3584 – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Add the CZ Coastal Zone Overlay (Zoning Map Amendment No. 96-5A)*” (**Attachment No. 3 – on file with the City Clerk’s Office**);

Ordinance No. 3585 – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Prezone Acreage Adjacent to the East Garden Grove-Wintersburg Channel (Zoning Map Amendment No. 96-5B)*” (**Attachment No. 4 – on file with the City Clerk’s Office**);

and

3. Approve **Local Coastal Program Amendment No. 96-4** with Findings for Approval (**Attachment No. 5* – See the end of the agenda item in this set of minutes**), and adopt **Resolution No. 2002-101** – “*A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 96-4 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Reflect General Plan Amendment No. 98-1 and Zoning Map Amendment Nos. 96-5A and 96-5B by Amending Zone 2-Land Use Plan and Accompanying Text of the City’s Coastal Element for the Real Property Generally Located on the West Side of Graham Street, South of Kenilworth Drive and Requesting Certification by the California Coastal Commission*” (**Attachment No. 6 – on file with the City Clerk’s Office**);

and

4. Approve the **annexation** of approximately five (5) acres and recommended approval to the Local Agency Formation Commission (LAFCO);

and

5. Adopt **Resolution No. 2002-102** – “A Resolution of the City Council of the City of Huntington Beach Agreeing to a Redistribution of Property Taxes for Annexation No. ____ Parkside Annexation to the City of Huntington Beach” and authorize the Mayor and City clerk to execute (**Attachment No. 7 – on file with the City Clerk’s Office**).

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Houchen, Winchell, Bauer
 NOES: Boardman, Cook
 ABSENT: None

(City Council) Public Hearing Held Part 3 of 3 – Approved Tentative Tract Map Nos. 15377 (City) and 15419 (County), Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18 (See Agenda Item D-1a for Appeal of Environmental Impact Report (EIR) No. 97-2) (Applicant: Shea Homes for Parkside Estates, 17301 Graham Street, s/o Warner Avenue, Adjacent to Wintersburg Flood Channel) and Denied Appeal Filed by Mayor Debbie Cook of the Planning Commission’s Approval (440.50)

A motion was made by Green, second Bauer to:

1. Approve Tentative Tract Map No. 15377 (City) and 15419 (County), Conditional Use Permit No. 96-90, and Coastal Development Permit No. 96-18 with Findings and Suggested Conditions of Approval (**Attachment No. 1* – See end of agenda item in this set of minutes**);

and

2. Approve California Environmental Quality Act (CEQA) Statement of Findings of Fact (**Attachment No. 2* - See end of agenda item in this set of minutes**); and approve the Mitigation Monitoring Program (**Attachment No. 3* - See end of agenda item in this set of minutes**).

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Houchen, Bauer
 NOES: Boardman, Cook, Winchell
 ABSENT: None

Public Hearing Part 2 of 3 – Approved Action – See Recommended Action 2 on the ZMA.

ATTACHMENT 2*

FINDINGS FOR APPROVAL ZONING MAP AMENDMENT NO. 96-5A & 5B:

1. Zoning Map Amendment No. 96-5A and 96-5B represent a change to the Huntington Beach Zoning Map (District Map #33) as follows:

 96-5A: Rezone approximately 40 acres of the subject site to add CZ (Coastal Zone Overlay) to the existing FL-FP2 (Low Density Residential – Floodplain Overlay) designation; and rezone 8.2 acres from RA-CZ (Residential Agriculture – Coastal Zone) and RL-FP2 (Low Density Residential) to OS-PR-CZ (Open Space – Parks and Recreation – Coastal Zone); and

96-5B: Pre-zone the approximately 4.9 acre County of Orange parcel as follows: approximately 1.6 acres RL-8 (Residential Low Density); and approximately 3.3 acres OS-C (Open Space – Conservation).

These changes are consistent with the goals, objectives, and land use policies of the General Plan and Local Coastal Program. The proposed changes are consistent with General Plan Amendment No. 98-1 which is being processed concurrently. The land uses in the surrounding area are consistent with the proposed changes in zoning because the surrounding land uses are low density residential and open space. As discussed in the Environmental Impact Report for this project, there will be appropriate infrastructure and services available to support the proposed development.

2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The changes proposed would be compatible with the uses in the vicinity, which are primarily low density residential.
3. A community need is demonstrated for the change proposed. The changes would expand the opportunities for housing and address the needs of a growing population. It will also expand the amount of passive and active recreation area, as well as coastal conservation, consistent with the City's General Plan and Local Coastal Program.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment provides compatible land uses, and passive and active public park space to serve the existing community.

Public Hearing Part 2 of 3 – Approved Action – See Recommended Action 3 of the LCPA

ATTACHMENT 5*

FINDINGS FOR APPROVAL LOCAL COASTAL PROGRAM AMENDMENT NO. 96-4

1. Local Coastal Program Amendment No. 96-4 amends the City's certified Local Coastal Program (Land Use Plan and Implementing Ordinances) in accord with General Plan Amendment No. 98-1 and Zoning Map Amendment No. 96-5A and 96-5B. The Huntington Beach Local Coastal Program/Coastal Element (Figure C-2 and associated text) for the subject site is changed from "Area of Deferred Certification" to OS-P (Open Space – Park), approximately 2.8 acres and RL-7 (Low Density Residential – maximum 7 units per acre), approximately 37 acres; and designate an approximate 4.9 acre portion located within the County of Orange as OS-C (Open Space – Conservation), approximately 3.3 acres and RL-7 (Low Density Residential – maximum 7 units per acre), approximately 1.6 acres.
2. Local Coastal Program Amendment No. 96-4 is in accordance with the policies, standards and provisions of the California Coastal Act relative to residential development, land resources and public access. The Local Coastal Program Amendment promotes the City's Local Coastal Program goals and objectives by allowing low density residential uses, open space areas, and coastal conservation opportunities.

3. The development conforms with the public access and public recreation policies of Chapter 2 of the California Coastal Act. The General Plan Amendment and Zoning Map Amendment expand the amount of open space and conservation areas that will preserve a eucalyptus grove, and preserve and avoid the remnant pickleweed area and the Environmental Protection Agency delineated pocket wetland area in the parcel within the County of Orange. There will be greenbelts and a paseo park to provide opportunities for public access through and between the site. No existing coastal access will be impacted.

Public Hearing Part 3 of 3 – Approved Action – See Recommended Action 1 of the TTM.

ATTACHMENT 1*

FINDINGS AND CONDITIONS OF APPROVAL

**TENTATIVE TRACT MAP NO. 15377 (City) and 15419 (County)
CONDITIONAL USE PERMIT NO. 96-90
COASTAL DEVELOPMENT PERMIT NO. 96-18**

FINDINGS FOR APPROVAL - TENTATIVE MAP NOS. 15377 (City) and 15419 (County):

1. Tentative Tract Map No. 15377 for subdivision of 45 acres into 162 single family residential lots and several lettered lots for open space and landscaped areas is consistent with the General Plan Land Use Element designation of RL-7 (Low Density Residential) on the subject property, or other applicable provisions of this Code including the provisions for Planned Unit Developments. Tentative Tract Map No. 15419 for the subdivision of approximately 4.9 acres into nine (9) single family residential lots and lettered lots for open space and landscaped areas is consistent with the pre-General Plan Land Use Element designation of RL-7 (Low Density Residential) on the subject property, or other applicable provisions of this Code including the provisions for Planned Unit Developments.
2. The site is physically suitable for the type and density of development. The project site is generally flat and able to accommodate the type of development proposed from a circulation and drainage perspective. The site is required to be elevated in compliance with City's requirements for new construction and the Conditional Letter of Map Revision from FEMA approved June 6, 2002 and therefore, requires 263,000 cubic yards of fill. The proposed fill and grade will permit the site to be developed consistent with adopted plans and will result in a density of 4.4 units per acre which is below the allowable density.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The majority of the site has been previously used for farming and does not contain habitat for wildlife or fish. A 3.3 acre portion of the parcel in the County area has an EPA delineated pocket wetland, patchy pickle weed, potential jurisdictional wetlands, and a buffer to residential uses that will be preserved as open space.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No existing easements for the public at large will be affected by the project. The project will provide public access through the site to the public park and public trails in the vicinity.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 96-90:

1. Conditional Use Permit No. 96-90 for the development of 171 two-story, detached single family residential units as a Planned Unit Development (PUD) for dual-product lot sizes to include 94 lots with minimum 50' frontages and minimum 5,000 sq. ft. lot sizes (average 5,700 sq. ft.); and 77 lots with minimum 60' frontages and minimum 6,000 sq. ft. lot sizes (avg. >7,000 sq. ft.); and seven flag lots with a minimum frontage of 24'; construction of a 8.2 acre park; retaining walls greater than two ft. in height and up to 3.5 ft. in height along the westerly property line adjacent to property within the County of Orange and along flood control channel; and development on a site with a grade differential of greater than three (3) feet from the low to the high point will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be graded to minimize drainage impacts while complying with the flood requirements of FEMA. The proposed grade differential to adjacent residential properties will be mitigated through the use of substantial landscaped setbacks and tree requirements. The project includes significant infrastructure improvements that will have area wide benefits.
2. The conditional use permit will be compatible with surrounding single family residential and open space land uses. The project includes two-story homes that are similar to the surrounding developments; it also incorporates buffer areas for aesthetics and intensified landscaping. Open space areas are located adjacent to existing open space areas to maximize use and buffers.
3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Variations to the wall heights are permitted by conditional use permit and lot size and width are allowed as part of a planned unit development.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Low Density Residential on the City portion of the property and pre-General Plan Land Use Element designation of Low Density Residential on the County portion of the property. In addition, it is consistent with the following goals and policies of the General Plan:

Policy 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development.

The proposed homes are compatible with existing homes in the area in term of style, materials, and colors. The buildings are will articulated and will have enhanced building elevations along street frontages. The building pads are higher but there is a setback buffer along the north property line.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 96-18:

1. Coastal Development Permit No. 96-18 for the development of a 171-unit single family residential project within an area of deferred certification in the coastal zone as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The project layout is consistent with the existing and proposed Low Density Residential land use designation on the property.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed development complies with all development standards except for the increased retaining wall heights, and the minimum lot width and size. The development will be in compliance with City and FEMA requirements pertaining to floodproofing.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will provide all required infrastructure consistent with the Local Coastal Program and City requirements.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impact existing public access or recreation opportunities in the coastal zone; the project will add opportunities for access to surrounding trails and a proposed public park and will improve a proposed bikeway adjacent to the channel and the developed portion of the site.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 15377 (City) AND NO. 15419 (County):

1. Tentative Tract Map No. 15377 and Tentative Tract Map No. 15419, received and dated July 8, 2002, shall be the approved layout except as amended per the conditions stated herein and as follows:
 - a. Lot No. 4 of TTM 15419 shall be eliminated and made part of the adjoining open space area.
2. The final map for Tentative Tract Map No. 15377 (City) shall not be approved by the City Council until Zoning Map Amendment No. 96-5 and General Plan Amendment No. 98-1 are approved and in effect, and Local Coastal Program Amendment No. 96-4 has been approved by the California Coastal Commission.
3. The final map for Tentative Tract Map No. 15419 (County) shall not be approved by the City Council until proof that the area has been annexed into the City by LAFCO; and until Zoning Map Amendment No. 96-5 and General Plan Amendment No. 98-1 are approved and in effect, and Local Coastal Program Amendment No. 96-4 has been approved by the California Coastal Commission. If the annexation does not occur the “non annexation” alternative layouts shown on Tentative Tract Map 15377 shall be the approved layout.
4. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Departments of Planning, Public Works and City Attorney’s office for review and approval. The CC&Rs shall include the following:
 - a. Provide for maintenance of all common area landscaping, irrigation, drainage facilities, bike trail links, slopes, walkways and open space areas along Graham Street, surface drainage for lots “B” thru “P” and lots “R” thru “Z” by the Homeowner’s Association (HOA).
 - b. Provide for maintenance of slopes, fences and retaining walls that serve as flood control protection, except within the County Flood Control right-of-way.
 - c. Prohibit the blocking or screening of fire hydrants located in public right-of-way.

- d. Implementation, maintenance and monitoring of the approved Water Quality Management Plan (WQMP) including treatment train. The WQMP shall be included in the CC&Rs as an attachment or addendum for conformance with NPDES requirements. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law.
 - e. Provide for maintenance and liability of the two bike trails linking the flood control channel with "C" Street and "L" Street.
 - f. Notification to purchasers that there will be a City public park within the tract and that access to Greenleaf is for emergency purposes only.
5. The following conditions shall be completed prior to recordation of the final map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. **(PW)**
- a. The Final Map(s) shall be consistent with the approved Tentative Map.
 - b. Vehicular access rights to all public streets, either proposed or existing, shall be released and relinquished to the City of Huntington Beach except at locations approved by the Planning Commission. **(PW)**
 - c. The rough grading plan and improvement plans shall be submitted to the Department of Public Works for review. The engineer shall submit cost estimates for determining bond amounts. **(PW)**
 - d. A final sewer design study of the project system shall be submitted for Public Works approval. The developer shall design the sewer system required to serve the development in conformance with the approved preliminary study and City design criteria. **(PW)**
 - e. Prior to first plan check submittal, the developer shall submit a water system hydraulic analysis to confirm appropriate on-site sizing and layout. City staff will provide design parameters, including water pressures and flows at points of connection. The hydraulic model output shall conform to City requirements and be fully compatible with and transferable with City software. All costs for water system modeling work shall be borne by the developer. **(PW)**
 - f. Final hydrology and hydraulic design analysis and calculations for both on and off site drainage facilities shall be submitted for Public Works review and approval. The project improvements shall be consistent with the facilities proposed in the Conditional Letter of Map Revision (CLOMR) issued by FEMA on June 6, 2002. On-site drainage shall not be diverted or concentrated to adjacent properties, but shall be handled by a Public Works approved method. The final design analysis of the system shall be consistent with the approved preliminary studies. All pad elevations must comply with FEMA design criteria in conformance with the CLOMR (BFE 2.2 feet National Geodetic Vertical Datum (NGVD)) and as directed by the City of Huntington Beach, Department of Public Works. Gradients of less than 2% shall not be permitted in earthen swales without prior approval from Public Works. **(PW)**

- g. The following shall be shown as a dedication to the City of Huntington Beach on the Final Map:
- 1) The 8.2 acre public park (Lot “Q” and “A”) shall be dedicated to the City of Huntington Beach in fee simple for parkland purposes pursuant to Section 254.08.H. of the HBZSO. The applicant shall submit to the City a Grant Deed, along with a preliminary title report, granting a fee ownership in the parkland unencumbered by any easements or covenants, both recorded and unrecorded, which restrict any and all uses by the City. It shall be the applicant's responsibility as part of the dedication to obtain, record, and submit all necessary quitclaims ensuring a proper dedication. The proposed land shall also be certified clean to the City's Soil Clean-Up Standard, City Specification 431-92 by an acceptable testing firm. Upon acceptance of the Grant Deed language and the submittal of a title insurance policy in an amount equal to the appraised value of the land, the City Clerk, if granted authority as part of the acceptance of the tract map by City Council, shall record the Grant Deed for the parkland dedication. **(PW)**
 - 2) The domestic water system and appurtenances as shown on the improvement plans for this tract. Easement widths shall conform with the City of Huntington Beach Standard Plan No. 300. **(PW)**
 - 3) The sanitary sewer system and appurtenances as shown on the improvement plans for this tract. **(PW)**
 - 4) The storm drain system and appurtenances as shown on the improvement plans for this tract, except those facilities designated to be maintained by the HOA on the improvement plans and in the CC&R's. Easement widths shall conform with the City of Huntington Beach Standard Plan No. 300. **(PW)**
 - 5) A 2.00-foot wide public utility easement along both sides of each street, per Standard Plan No. 104. **(PW)**
 - 6) Graham Street for street purposes. **(PW)**
 - 7) Greenleaf Lane (Cul-de-sac turn-around) for street purposes. **(PW)**
 - 8) “A” Street through “M” Street for street purposes. **(PW)**
 - 9) An easement for public pedestrian access purposes for the two bike trails linking the flood control channel with “L” Street and with “C” Street.
 - 10) An easement for public access purposes 10-feet in width adjacent to or in proximity to the northerly right-of-way of “A” Street and “B” Street within Lot “N”, the paseo park. The total width shall be 20-feet as measured from the curb face.
- h. If necessary, the ultimate Channel right-of-way shall be dedicated on the final map to the County of Orange. **(PW)**
- i. All street lighting shall be conveyed to Southern California Edison Co. for maintenance and operation. **(PW)**
- j. A reproducible mylar copy and print of the final tract map shall be submitted to the Department of Public Works at the time of recordation. **(PW)**
- k. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following items: **(PW)**

- 1) Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
 - 2) Provide a digital-graphics file of said map to the County of Orange.
- I. Provide a digital-graphics file of said map to the City per the following criteria:

Design Specification:

- 1) Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
- 2) Digital data shall have double precision accuracy (up to fifteen significant digits).
- 3) Digital data shall have units in US FEET.
- 4) A separate drawing file shall be submitted for each individual sheet.
- 5) Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
- 6) Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.

File Format and Media Specification:

- 7) Shall be in compliance with the following file format:
 - AutoCAD (version 13 or later) drawing file: _____.DWG
 - 8) Shall be in compliance with the following media type:
 - a. CD Recordable (CD-R) 650 Megabytes
- m. No construction or public access shall be taken from or to Greenleaf for any purpose other than emergency vehicle access. Any future connection of Greenleaf to the development for public street purposes or private access shall be prohibited until otherwise conveyed through a public hearing process before the City Council.
- n. A Certificate of Insurance shall be filed with the Department of Public Works and approved as to form by the City Attorney. **(PW)**
- o. All improvement securities (Faithful Performance, Labor & Material and Monumentation Bonds) and Subdivision Agreement shall be posted with the Department of Public Works and approved as to form by the City Attorney. **(PW)**
- p. All Public Works fees shall be paid. **(PW)**
- q. An Affordable Housing Agreement Plan shall be submitted to the Planning Department for review and approval. The agreement shall provide for affordable housing on-site or off-site. Said agreement shall be executed prior to issuance of the first building permit for the tract. The contents of the agreement shall include the following:

- 1) Minimum 10 percent of the units shall be affordable to families of low-income level (less than 80% of Orange County median) for a period of thirty years.
 - 2) A detailed description of the type, size, location and phasing of the affordable units.
 - 3) If affordable units (new or rehabilitate) are off-site, they must be under the full control of the applicant.
 - 4) The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first residential unit in the tract shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units. **(MM)**
5. The following conditions are required to be completed prior to issuance of Grading Permits:
- a. A Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Final grades and elevations on the grading plan shall not vary by more than one (1) foot from the grades and elevations on the approved Tentative Map unless otherwise required by these conditions and shall conform to FEMA requirements for elevation above the flood water levels as directed by the Department of Public Works. The recommendations from Section 7.0 and 8.0 of the geotechnical study, Appendix E of the EIR, shall be incorporated into the earthwork activities. **(MM)** The following public improvements shall be shown on the plan:
 - i. Class I bike trail and adjacent lot slopes along the channel. **(PW)**
 - ii. Two bike trails linking the flood control channel with "C" Street and "L" Street.
 - iii. All slopes, sea walls, and drainage control devices along the westerly boundary of the development. **(PW)**
 - iv. The owner shall submit of "Notice of Intent" (NOI), along with the required fee, to the State Water Resources Control Board (SWRCB) in compliance with NPDES general construction permit requirements. Copies of the NOI and the written replies received from the SWRCB shall be submitted to the City. **(PW-MM)**
 - b. Sewer lateral for each habitable lot. **(PW)**
 - c. All structures over twenty feet (20') in height from the point of connection at the public water source shall require a backflow protection device on the domestic water service unless otherwise approved by the Water Division. **(PW)**
 - d. A separate irrigation service, meter and backflow protection device shall be required for the park. Additional irrigation services, meters and backflow devices shall be required for any Homeowner Association (HOA) landscaping. **(PW)**
 - e. Each proposed dwelling unit shall require a separate domestic water meter and service. All domestic water meters shall be sized in accordance with the California Plumbing Code (CPC) and the requirements of the City of Huntington Beach Department of Public Works and the Fire Department. **(PW/FD)**
 - f. Plans for EMERGENCY VEHICLE ACCESS at Greenleaf/LOT R shall be submitted and approved by the fire and planning departments. Indicate gate location, method to secure, slope, and overall final elevation change. **(FD)**
 - g. Final finished grade for the park shall be subject to the approval of the Departments of Public Works and Community Services. The final finished grade shall, at a minimum:

- i. Protect existing trees, meet police department visibility requirements, provide proper drainage, meet conditions for maintaining a playable park and provide a drainage interceptor at the toe of the existing slope that transports run off to the storm drain system prior to entering the playable park area. **(PW)**
 - ii. The finish grade in the City park site shall be raised with a City approved topsoil. **(PW)**
 - iii. The slope of the soil grade adjacent to "H" and "I" street shall be 5:1 max to a low point of 5.0 FT to 7.0 above sea level. The park shall then drain (slope) toward the existing "treed" slope at a minimum of 1% and maximum 2% to a drainage swale at the top of said existing slope. A grade break may occur in closer proximity with the drainage swale and the grade to the swale can be 5:1 maximum or an acceptable solution approved by the Park, Tree and Landscape Division. **(PW)**
 - iv. The gradient and configuration of the emergency access road shall be approved by Public Works and Fire. **(PW/FD)**
 - v. A separate lot shall be created for the existing "treed" slope area and shall extend from the western property boundary to the top of the slope at the concrete drainage swale, and from the north property line following the concrete swale south to the H.O.A. maintained lot "P". **(PW)**
- h. The Developer shall design and construct a new wet well/dry well sewer lift station and force main as required by the City to replace the existing station in Graham. The new station shall be sized to accommodate existing and the proposed development flows. The existing station shall be abandoned in-place by the developer as directed by The Department of Public Works. The used pumps/controllers shall be returned to the City Yard. The design of the lift station shall comply with all design requirements and criteria of the City of Huntington Beach. **(PW)**
- i. The Developer shall design and construct the ultimate improvements to centerline of the East Garden Grove - Wintersburg Channel (C05) per County of Orange Flood Control District's adopted design standards (sheet pile and cathodic protection, or an equivalent lining if approved by the County). Said channel improvements shall be constructed along the entire project site frontage, extending under Graham Street bridge and transitioning out on the east side of the Graham Street bridge, as directed by the County. Requirements of the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers shall be observed in the design and construction of all channel and abutting slope improvements in and adjacent to the channel. Additionally, the Developer shall remove the existing oil-field access bridge over the County channel westerly of the Slater Pump Station, unless otherwise directed by the County of Orange. **(PW)**
- j. The Developer shall install two (2) new pump systems (motor, pump, controls, heat exchanger, and necessary appurtenances) within the existing vacant pump bays in the Slater Pump Station as determined necessary (equipment to match/equal City specification). Subject to the review and approval of the City Engineer, a request for fee credits may be considered for improvements exceeding the developer's required project impact mitigation. The value of each existing pump bay to be utilized shall be considered to be \$300,000 unless it is proven to the satisfaction of the City Engineer to be a different amount. The developer will be required to make capacity improvements to the system as necessary to drain the subject development and tributary flows to the site as required by

the Department of Public Works. The applicant shall also obtain necessary written approvals from the County of Orange and other pertinent agencies as required prior to issuance of grading permits. **(PW/MM)**

- k. The Developer shall design and construct off-site drainage improvements as required by the Department of Public Works to mitigate impact of increased runoff, as well as conveyance of ultimate upstream flows or deficient, downstream drainage systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The Developer shall provide the necessary hydrologic and hydraulic studies as required to justify final pad elevations on the site in conformance with the latest FEMA requirements, and to update that portion of the City's Master Plan of Drainage to reflect the changes and improvements of this project in the plan. If earthen slopes and/or levee protection is constructed along lots on the southwest perimeter of the property, the design shall conform to the FEMA and U.S. Army Corps of Engineers Design Guidelines (most specifically USACOE Manual EM 1110-2-1913.) Among the items of design criteria to be included are the following: **(PW)**
 - i. The top of levee or berm shall be wide enough to accommodate a 12-foot wide clear access for maintenance vehicles. Drainage swales and flow lines along the brow of the levee shall not be within the 12-foot travel area. If seawalls are incorporated into the design, drainage swale flow lines be a minimum of 18-inches from the wall and shall be concrete gutters.
 - ii. The waterside of the levee shall be 3:1 or flatter with riprap or similar slope protection, or 4:1 or flatter without hard slope protection. Seawalls in combination with slopes may be used as approved by the City.
 - iii. The landside of the levee shall be 4:1 or flatter to minimize seepage and permit easy maintenance by homeowner.
 - iv. The levee design shall include a seepage barrier. If sheet piles are employed, no seepage barrier is required. Transitions from sheet piling to earthen berms shall be concrete lined.
 - v. A vehicle turnaround with a turning radius or hammerhead design consistent with maintenance vehicles criteria shall be provided at the end of the levee maintenance road unless otherwise approved by the Department of Public Works.
 - vi. The top of levee and/or sea wall shall maintain a minimum elevation of 11 feet or 1-foot of freeboard above the committed water surface elevation in the channel, whichever is greater. The top of levee and/or sea wall shall tie into the existing topography to prohibit a breach or intrusion into the subdivision from seawater high tide events or storm flows. **(PW)**
- l. Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. The plans shall also be submitted to Orange County Coastkeeper for review and comment. Catch basins shall be grated and not have side openings. **(PW)**
 - i. To the greatest extent feasible, low flow urban runoff from the properties to the north shall be directed to a gross pollutant removal device. The

developer shall investigate use of the remainder of the southwest open space area within Tract 15419 for treatment of this runoff.

- ii. Gross pollutant removal devices (CDS or equivalent) for the removal of debris, sediment, oil and water separation, etc., shall be installed as part of the treatment train for the main line systems. Access to these devices for maintenance shall be provided and included within an easement to the City.
- iii. If deemed feasible by the City Engineer, the developer shall design and construct a low flow urban runoff treatment train for flows from the Slater Pump Station, which may be conveyed to the potential open space southwest of the project area. If deemed not feasible by the City Engineer, this requirement may be waived.
- iv. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMP's) and other City requirements to eliminate polluted runoff until all construction work for the project is completed.
- v. A WQMP shall be prepared, maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved or unimproved phases of the project. All structural BMP's shall be sized to infiltrate, filter, or treat the 85-percentile 24-hour storm event or the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches per hour. The WQMP shall include an extensive Home Owner's Association education program, including information booklets and packages for each homeowner, and periodic informational programs to keep owners current with WQMP practices and requirements. **(PW)**
- m. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(PW)**
- n. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect, shall be submitted to the Departments of Public Works and Planning for review and approval. The Landscape Construction Set shall identify the location, type, size and quantity of all existing plant materials to remain, existing plant materials to be removed and proposed plant materials; an irrigation plan; a grading plan; an approved site plan and a copy of the entitlement conditions of approval. The plan shall include irrigation demands to ensure proper irrigation service sizing. **(PW)**
- o. The landscape plans shall be in conformance with Chapter 232 of the Zoning and Subdivision Ordinance and applicable Design Guidelines. The plan shall include all common areas, the proposed City Park, Graham Street setback area, and the paseo park. The paseo park along the north property line shall include intensified landscaping to further screen possible headlight intrusion. In addition, Lot "B" of TTM 15419 shall consist of non-invasive, native drought tolerant plant material without a permanent irrigation systems. **(PW/MM/Code Requirement)**

- p. An erosion and silt control plan for all water runoff during construction and site preparation work. **(PW/MM)**
- q. Street Improvement Plans for Graham Street shall be prepared per the City of Huntington Beach Standard Plan No. 103, (80'/64'), and submitted for review and approval. The developer shall include the following modifications to achieve the minimum number of travel lanes specified and include any additional striping modifications identified by the Transportation Manager to best accommodate specific traffic operations **(PW/MM)**:
 - i. Improve Graham Street, as needed, to correct the stopping sight distance and stacking problems between the southerly crosswalk across Graham at Street "A" and the crest of the Wintersburg Channel Bridge as approved by the Department of Public Works.
 - ii. Restripe Graham Street from Street "A" to Glenstone Drive with a seven (7) foot bike lane in each direction, one twelve (12) foot through lane in each direction, and a fourteen (14) foot painted two-way left turn median.
 - iii. Restripe Graham Street northerly from Street "A" as directed by the Department of Public Works, to transition with a seven (7) foot bike lane in each direction, one eighteen (18) foot through lane in each direction, and a fourteen (14) foot painted two-way left turn median. A protected left turn pocket on Graham Street, (northbound to westbound) shall be provided with appropriate tapers in accordance with the design speed, (50 mph). Signage shall be added to the intersection of Graham Street and Kenilworth Circle to keep intersection clear.
- r. Internal public streets shall be designed and constructed as follows **(PW)**:
 - i. All street grades shall have a minimum gradient of 0.50%.
 - ii. Street "A" ("Entry Street") shall be designed and constructed per the City of Huntington Beach Standard Plan No. 104 modified, (56'/36'). A dedicated left turn lane and dedicated right turn lane (within 26' from median island to outer curb face) exiting onto Graham Street shall be provided. A 15-foot wide median island shall be constructed at the entry. No parking or driveway openings will be permitted on Street "A" from Graham Street to Street "D".
 - iii. Street "B" shall be designed and constructed per the City of Huntington Beach Standard Plan No. 104 modified (56'/36') with a 10-foot parkway on each side.
 - iv. Streets "C" thru "M," shall be designed and constructed per the City of Huntington Beach Standard Plan No. 104 Modified, (48'/36').
 - v. Parking layout shall conform to City Standards and the City's Subdivision Ordinance and Municipal Code requirements, including Municipal Ordinance No. 10.40.050. Thirty (30) parking spaces shall be provided for park parking above the count required for residential lot guest parking. No on-street parking shall be permitted adjacent to emergency access areas in compliance with Fire Department Standard Specification 401 and 415.
 - vi. Curb, gutter and sidewalk along all street frontages, per City Standard Plan Nos. 202 and 207.

- vii. An ADA compliant access ramp at the corners of all street intersections.
- s. Access for the handicapped in conformance with Title 24, shall be provided from the public sidewalk into the public park at the northerly and southerly ends.
- t. The applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met. **(MM)**
- u. The developer shall design and install signing and striping plans in accordance with Public Works Standards. **(PW)**
- v. The Developer shall design and install Southern California Edison owned street lighting. The plan shall include the height, location, and intensity of streetlights on-site. Street light spacing shall be in conformance with City of Huntington Beach Standard Plan 411. **(PW)**
- w. A traffic signal shall be designed and constructed for the intersection of Street "A" and Graham Street. **(MM)**
- x. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be submitted to Public Works for review and approval, for work within the City's right-of-way. **(PW)**
- y. A licensed engineer shall prepare a detailed soils and geological/seismic analysis. This analysis shall provide detailed recommendations for grading, over excavation, engineered fill, dewatering, settlement, protection of adjacent existing structures, landscaping, chemical and fill properties, liquefaction requirements, retaining walls, streets, and utilities. Said report shall certify that post development ground water conditions shall not be affected or affect improvements. (Precise grading plan only). The developer shall provide a minimum of four (4) agricultural soil tests for fertility and suitability within the park area prior to developing a finish-grading plan. In addition, a geotechnical expert shall be on-site daily during dewatering to monitor soil conditions. **(PW)**
- z. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. **(PW)**
- aa. Soil imported for park area shall be approved by the City Landscape Architect. The developer shall employ a soil test lab approved by the City Landscape Architect to obtain and test soils that are to be utilized in raising the grade of the proposed park area. After a topsoil source is approved, the developer shall guarantee that said soil is delivered to the site and used on the park. **(PW)**
- bb. For import soils, the project shall comply with all provisions of the HBMC Section 17.04.085 and Fire Dept. City Specification 429, Methane District Building Permit Requirements. **(FD)**

- cc. Provide proof that all site soil meets the requirements found in the City of Huntington Beach Soil Cleanup Standard, City Specification No. 431-92. **(FD)**
- dd. The Fire Department must be notified of who will be the environmental site auditor supervising testing operations during soil import. The selected environmental firm is responsible for obtaining Fire Department approval for their testing plan. **(FD)**
- ee. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on Graham Street every 250 feet, and at Greenleaf Lane indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, City contact (Construction Manager (714) 536-5431) regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. **(PW)**
- ff. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. **(PW)**
- gg. The developer shall coordinate with the Department of Public Works, Traffic Engineering Division in developing a truck and construction vehicle routing plan. This plan shall specify the hours in which transport activities can occur and methods to mitigate construction related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. **(PW/MM)**
- hh. A grading/erosion control plan shall be completed and must abide by the provisions of AQMD's Rule 403 as related to fugitive dust control; and provide a plan to the Department of Public Works indicating such compliance. **(PW)**
- ii. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage. The new wall depicted along the northerly property line shall be removed; no new wall is necessary.
- jj. If grading occurs during the normal breeding season for the red-tailed hawk and other raptors locally, (March to July), a survey shall be conducted for active nests. Should active nests be located within the zone of potential disturbance due to grading or construction activities, work shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest site. The 500-foot protection zone shall be fenced with visible warning-color materials. Nest trees shall be removed during the non-breeding season only. **(MM)**

- kk. The property owner shall conduct a subsurface test investigation for CA-ORA-1308 and 1309 to determine the horizontal boundaries of the sites as well as to confirm the surface conclusions of non-significance as indicated in the March, 1997 Archeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two (2) 1x1 meter hand excavated units for stratigraphic control. The subsurface test investigation (including a discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations and cost estimates shall be submitted to the Planning Director for review and approval. A cultural resource management plan based on the test results shall be developed. **(MM)**
- ll. The property owner shall provide written evidence that a certified archaeologist has been retained and shall be present at the pre-grading meeting/conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the artifacts as appropriate. The archaeological resource surveillance procedures shall include a provision for Native American review of grading operations. **(MM)**
- mm. A bikeway plan shall be submitted to the City of Huntington Beach's Departments of Planning and Public Works, in consultation with the Manager of the County PFRD/HBP Program Management and Coordination, for approval of consistency with the Orange County Bikeway Plan. **(MM)**
- nn. The applicant shall submit and have approved a noise mitigation plan to the Department of Planning that will reduce or mitigate short-term noise impacts to nearby noise sensitive. The plan shall comply with the City of Huntington Beach Noise Ordinance and shall include, but not be limited to **(MM)**:
- 1) Criteria of acceptable noise levels based on type and length of exposure to construction noise levels;
 - 2) Physical reduction measures such as temporary noise barriers that provide separation between the source and the receptor; temporary soundproof structures to house portable generators; and
 - 3) Temporary generators (if utilized) shall be located as far as practical from sensitive noise receptors.
 - 4) Mitigation measures such as restrictions on the time of construction for activities resulting in high noise levels.
- oo. The applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Department of Public Works, shall include, as appropriate **(MM)**:
- 1) Provision of rideshare incentives.
 - 2) Provision of transit incentives for construction personnel.
 - 3) Configuration of construction parking to minimize traffic interference.
 - 4) Measures to minimize obstruction of through traffic lanes.
 - 5) Use of a flagman to guide traffic when deemed necessary.
- pp. The applicant shall produce evidence acceptable to the City Engineer that: **(MM)**
- 1) All grading and construction vehicles and equipment, fixed or mobile, shall be equipped and maintained with effective muffler systems that use state of the art noise attenuation.

- 2) Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors.
 - 3) All operations shall comply with the City of Huntington Beach Noise Ordinance.
- qq. The applicant shall produce evidence (specifications) acceptable to the City Engineer that the new walls, if constructed, along the project's northern property (along the rear property line of lot #103 to lot #123 on Kenilworth Drive and the side property lines of lots #125 and #126 on Greenleaf Lane of Tract 5792) and Graham Street (along the project's boundary) will be constructed to achieve maximum sound attenuation. **(MM)**
- rr. The recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation. **(MM)**
- ss. The applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate ground water levels during the proposed project dewatering activities. The dewatering activities shall be adjusted immediately if the monitoring wells show ground water level changes which may effect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works. **(MM)**
- tt. A Phase II environmental soil sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels are identified by this analysis, "clean up" measures shall be recommended and implemented. The Phase II sampling and any necessary measures shall be approved by the Department of Public Works. **(MM)**
- uu. The applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the EPA) for review and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions which are appropriate. **(MM)**
- vv. The developer shall submit a hydraulic computer water model analysis for the development proposed on the City parcel, which addresses the following:
- 1) Water demand required by project (fire flow demand as determined by the Fire Department)
 - 2) Master Plan/General Plan Amendment (GPA) review
 - 3) The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2ONET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the Water Master Plan was adopted).
 - 4) The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that project demands cannot be met with the City's current water

system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City.

(MM)

- ww. Irrigation systems within the Park, which minimize water waste, shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features:
- 1) Raised planters and berming in conjunction with closely spaced low volume, low angle (22 ½ degree) sprinkler heads.
 - 2) Drip irrigation
 - 3) Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses.
 - 4) The use of reclaimed water for irrigated areas and grasslands. The project applicants shall connect to the Orange County Water District's "Green Acres" system of reclaimed water should this supply of water be available. Separate irrigation services shall be installed to ease this transition.
6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading and construction to keep the soil damp enough to prevent dust being raised by the operations and when leaving the site. Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind; spread soil binders; and implement street sweeping as necessary. **(MM)**
 - b. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. **(PW)**
 - c. During construction, the area shall be wet down in the late morning and after work is completed for the day **(MM)**.
 - d. All trucks hauling dirt, sand, soil, or other loose substances and building materials shall be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides. **(MM)**
 - e. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. Install vehicle wheel-washers before the roadway entrance at construction sites **(MM)**
 - f. **Where** feasible, pervious paving materials shall be used to reduce surface water runoff. **(MM)**
 - g. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. **(PW)**
 - h. Wind barriers shall be installed along the perimeter of the site. **(PW)**

- i. The remediation operations shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas. **(PW)**
- j. Comply with the "Water Quality Management Plan" requirements. **(PW)**
- k. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. Discovery of contaminated soil and/or abandoned oil wells require immediate fire department notification. All project processes in the immediate discovery area shall cease until approved plans are in place. **(FD)**
- l. Construction equipment shall be maintained in peak operating condition to reduce emissions. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. Truck idling shall be prohibited for periods longer than 10 minutes **(MM)**
- m. Use low sulfur (0.05% by weight) fuel by weight for construction equipment **(MM)**.
- n. Phase and schedule construction activities to avoid high ozone days. Discontinue construction during second stage smog alerts **(MM)**.
- o. A phased schedule for construction activities to minimize daily emissions shall be complied with. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days). Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.
- p. The planting of vegetative ground cover as soon as possible on construction sites shall be required. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads **(MM)**
- q. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Department of Public Works. **(PW)**
- r. Enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials shall be required. **(MM)**
- s. The construction disturbance area shall be kept as small as possible. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical. The applicant shall be responsible for assuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 mph. **(MM)**
- t. Compliance with all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(Code Requirement)**
- u. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and

any construction/ grading activity.

- v. The property owner is responsible for all required clean up of off-site dirt, pavement damage and/or restriping of the public rights-of-way as determined by the Department of Public Works. **(PW)**
- w. The property owner shall be responsible for paving all access aprons to the project site and for the maintenance of the paving. **(MM)**
- x. The property owner shall be responsible for incorporating measures to reduce construction related traffic congestion with the implementation of rideshare incentives, transit incentives, construction area parking, use of flagmen, and implementation of measures to minimize the obstruction of through traffic lanes, as deemed appropriate by Public Works. **(MM)**
- y. The project shall provide easy access into and within the project site for emergency vehicles and addresses shall be well marked to facilitate response by officers. Prior to the first final inspection, project site plans depicting these requirements shall be reviewed and approved by the Police Department.

INFORMATION ON SPECIFIC CODE REQUIREMENTS -TENTATIVE TRACT MAP NO. 15377 & 15419:

- 1. Tentative Map No. 15377 and 15419 shall be valid for two (2) years of the date of final approval which is from the time the Local Coastal Program Amendment for the area is deemed certified by the California Coastal Commission. An extension of time may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
- 2. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
- 3. All applicable fees shall be paid from the Building, Public Works, and Fire Departments fees prior to map recordation. **(PW)**
- 4. All new and existing overhead utilities shall be installed underground in accordance with the City's Underground Utility Ordinance. In addition, all electrical transformers shall be installed underground. Aboveground transformers may be allowed due to certain groundwater conditions and shall be approved by the City Engineer and City Landscape Architect.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 96-90/COASTAL DEVELOPMENT PERMIT NO. 96-18:

- 1. The site plan, floor plans and elevations received and dated July 8, 2002 shall be the conceptually approved layout with the following modifications:
 - a. Lot No. 4 of TTM 15419 shall be deleted.

- b. Depict all utility apparatus, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. **(Code Requirement)**
 - c. Individual building site plans shall be reviewed and approved by the City's Departments of Planning and Public Works. The final building layout shall be within the building envelope as depicted on the Building Envelope Plan. **(MM)**
 - d. 25% of the minimum 60 foot wide lots must have side entry garages and/or garages located to the rear of the lot.
 - e. Increase interior side yards (minimum 10') when adjacent to the rear yard of an adjoining lot.
 - f. Stagger the front yard setback for garages (i.e., from two to four feet between all units) within the two subdivisions or develop another alternative to vary the street scene.
 - g. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - h. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations. **(MM)**
2. Prior to submittal for building permits, the following shall be completed:
- a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - b. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Department for addressing purposes after street name approval by the Fire Department. **(FD)**
 - c. All Fire Department requirements shall be noted on the building plans. **(FD)**
 - d. To maintain required emergency access and site safety during project construction phases, submit a Fire Protection Plan in compliance with City Specification #426-*Fire Safety Requirements for Construction Sites*. **(FD)**
 - e. Fire access roads shall be provided in compliance with City Specification #401-*Minimum Access for Fire Department Access*. **(FD)**
 - f. Fire hydrants must be installed and be in service before combustible construction begins. Shop drawings shall be submitted to the Department of Public Works and approved by the

Fire Department. Indicate hydrant locations and fire department connections. The Fire Department and the Public Works Water Division have determined the number of fire hydrants for the 161 Lot Plan to be 14 and the 171 Lot Plan to be 15. **(FD)**

- g. An automatic fire sprinkler system shall be installed throughout each unit. For Fire Department approval, plans shall be submitted to the Building Department as separate plans for permits **(FD)**.
- h. A fire alarm system in compliance with Huntington Beach Fire Code is required. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide water flow, tamper, and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. **(FD)**
- i. Street names must be approved by the Fire Department. Please refer to City Specification #409-*Street Naming Process, Public or Private*. **(FD)**
- j. A detailed soils analysis shall be prepared by a Licensed Soils Engineer and submitted with the building permit application. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding: grading, foundations, retaining walls, streets, utilities, and chemical and fill properties of underground items including buried pipe and concrete and the protection thereof.**(BD)**
- k. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted to the City for review prior to the issuance of building permits. **(Code Requirement)**
- l. Floor plans shall depict natural gas and 220V electrical shall be stubbed in at the location of clothes dryers; natural gas shall be stubbed in at the locations of cooking facilities, water heaters and central heating units.
- m. Contact the United States Postal Service for approval of mailbox location(s).
- n. The recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.**(MM)**
- o. It shall be proven to the City that all structures are designed in accordance with the seismic design provisions of the Uniform Building Codes or Structural Engineers Association of California to promote safety in the event of an earthquake.**(MM)**

- p. Building plans shall be submitted to and approved by the Fire Department. If during the Fire Department's plan check it becomes evident that fireground operations will become impeded, the department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc. **(MM)**
- 3. The following conditions shall be completed prior to issuance of Building Permits:
 - a. Prior to the construction of infrastructure facilities incorporating Tract 15419, proof shall be shown from L.A.F.C.O., for approval of annexation of Tract 15419 into the City of Huntington Beach, subject to approvals from Departments of Planning and Public Works.
 - b. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department; and submit 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model to the Planning Department for inclusion in the entitlement file.
 - c. A grading permit shall be issued. **(PW)**
 - d. The final Tract Map shall be recorded with the County of Orange and a copy filed with the Planning Department. **(PW/Code Requirement)**
 - e. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. A Landscape Construction Set must be submitted to the Department of Public Works and approved by the Departments of Public Works and Planning. The Landscape Construction Set shall include a landscape plan prepared and signed by a State Licensed Landscape Architect which identifies the location, type, size and quantity of all existing plant materials to remain, existing plant materials to be removed and proposed plant materials; an irrigation plan; a grading plan; an approved site plan and a copy of the entitlement conditions of approval. The plan shall include all common areas, the proposed City Park, Graham Street setback area, and the paseo park. The paseo park along the north property line shall include intensified landscaping to further screen possible headlight intrusion. In addition, Lot "B" of TTM 15419 shall consist of non-invasive, native drought tolerant plant material without a permanent irrigation systems. **(PW)**
 - f. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(PW)**
 - g. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and

approved by the Departments of Fire and Public Works. The applicant shall obtain any necessary encroachment permits from the Department of Public Works. (PW)

- h. A copy of a Letter of Map Revision from the Federal Emergency Management Agency (FEMA) removing the property(ies) from the floodplain shall be submitted to the Planning Department for inclusion in the entitlement file. Or submit a copy of completed FEMA Elevation Certificate(s) based on construction drawings, or Floodproofing Certificate in the case on a non-residential structure, for each building.
 - i. The project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements which shall include, but not be limited to **(MM)**:
 - 1) Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows
 - 2) Ensure that future building pads are placed at elevations suitable to withstand 100-year flood.
 - 3) Construct the necessary improvements to the East Garden Grove – Wintersburg Channel (C05) along the site perimeter
 - k. The applicant shall show proof of compliance with the Mitigation Agreement established between the Huntington Beach Union High School District, subject to the approval of the City of Huntington Beach. **(MM)**
 - l. Pervious paving material shall be used whenever feasible to reduce surface water runoff and aid in groundwater recharge and slopes and grades shall be controlled to discourage water waste through runoff. **(MM)**
 - m. The property owner shall construct the new sewer lift station and force main in accordance with the City-approved Sewer Plan for the proposed project, and implement conditions of the Public Works Department regarding sewer infrastructure improvements to handle increased sewer flow demands. **(MM)**
 - n. The Southern California Gas Company or designated natural gas provider shall be consulted with during the building design phase for further energy conservation measures. **(MM)**
 - o. SCE shall be consulted with during the building design phase for further energy conservation measures. **(MM)**
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. Installation of required landscaping and irrigation systems shall be completed. **(PW)**
 - b. Landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of Record in written form to the City Landscape Architect prior to the final landscape inspection and approval. Installation of required landscaping and irrigation systems shall be completed. **(PW)**

- c. The applicant shall provide proof that energy saving features have been installed in project homes as required by the Uniform Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc. **(MM)**
- d. The public park shall be completed other than the one year maintenance period at the request of 50% occupancy (or by the 95th home Certificate of Occupancy). **(PW)**
- e. All public infrastructure must be completed per the approved plans. **(PW)**
- f. All improvements must be completed per the approved grading plans. **(PW)**
- g. The applicant shall be responsible for improving Graham Street in accordance with the approved signing and striping plan. **(PW/MM)**
- h. All landscape irrigation and planting installation shall be certified to be in conformance to the City-approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. **(PW)**
- i. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- j. Automatic sprinkler systems shall be installed throughout. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. **(FD)**
- k. Fire hydrants must be installed before combustible construction begins. Prior to installation, shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. (Fire Dept. City Specification 407) **(FD)**
- l. Backflow protection shall be constructed per the Huntington Beach Water Division Standards Plans for irrigation and fire suppression water services.
- m. Address numbers shall be installed on structures to comply with Fire Dept. City Specification 428. **(FD)**
- n. Secondary emergency access gates must be secured with KNOX and association (if any) hardware. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads. Fire lanes will be designated and posted to comply with Fire Dept. City Specification No. 415. **(FD)**
- o. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415-*Fire Lane Signs*. If prior to approved signage fire lane violations occur and the services of the Fire Department are required, the applicant may be liable for related expenses. **(FD)**
- p. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.

- q. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department.
- r. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- s. A second Elevation Certificate certifying the “as built” lowest floor for each building shall be submitted to the Planning Department, or a Letter of Map Revision shall be issued by the Federal Emergency Management Agency (FEMA) and submitted to the Planning Department. **(Code Requirement)**
- t. All drainage, pump station and channel improvements consistent with the facilities identified in the FEMA CLOMR, dated June 6, 2002, shall be completed in place and operational. A Letter of Map Revision (LOMR) from FEMA shall be obtained by the developer following completion of the improvements. **(PW)**
- u. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads.
- v. The project shall comply with all provisions of the Huntington Beach Fire Code and Fire Dept. City Specification 422, Well Abandonment.
- w. The project shall comply with all provisions of the HBMC Section 17.04.085 and Fire Dept. City Specification 429, Methane District Building Permit Requirements.
- x. The applicant shall provide proof to the City’s Traffic Engineer that the project has contributed its ‘fair-share’ towards regional traffic improvement systems (i.e., traffic impact fees) for the area. This shall include efforts to synchronize traffic lights on streets impacted by project development.(MM)
- y. Testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning(MM)
- z. The following water conservation measures shall be implemented as required by state law:
 - 1) Ultra-low-flush toilets
 - 2) Ultra-low-flow showers and faucets
 - 3) Insulation of hot water lines in water recirculating systems
 - 4) Compliance with water conservation provisions of the appropriate plumbing code (MM)
- aa. Water pressure regulators to limit downstream pressure to a maximum of 60 psi shall be installed. **(MM)**
- bb. The applicant shall provide information to prospective residents regarding benefits of low water use landscaping and sources of additional assistance in selecting irrigation and landscaping. **(MM)**
- cc. The development shall comply with all applicable Mitigation Measures in Environmental Impact Report No. 97-2 and New Alternatives to EIR No. 97-2.

5. The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to tract map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission's may be required pursuant to the HBZSO.
6. Prior to finalization of the Tract or exoneration of the Guarantee Bond, maintenance for the City Park (Lot A) shall be for a period of 12 months after the 90-day plant establishment period. The Park may open at the beginning of maintenance period. **(PW)**
7. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained. If fire lane violations occur and the services of the Fire Department are required, the applicant will be liable for expenses incurred. **(FD)**
8. A public art element shall be integrated and be in a location that is visible to the public within the Parkside Estates residential project. Public art shall incorporate the following:
 - a) Artistic excellence and innovation
 - b) Appropriate to the design of the project
 - c) Indicative of the community's cultural identity (ecology, history, society)

The public art element shall be reviewed and approved by the Design Review Board, the Planning Director, and the Cultural Services Division Manager prior to issuance of any building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

9. This TTM and CUP and CDP shall not become effective until GPA 98-1, Zoning Map Amendment No. 96-5A & 5B, and LCPA No. 96-4 has been approved by the City Council, and California Coastal Commission, and is in effect.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
2. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
3. All applicable fees from the Building, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
4. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of *ExDetermination* at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.

5. A Mitigation Monitoring Fee shall be paid to the Planning Department prior to the issuance of Building Permits.
6. Traffic Impact Fees shall be paid at the time of final inspection or issuance of a Certificate of Occupancy. **(PW)**
7. State-mandated school impact fees shall be paid prior to issuance of building permits.
8. An encroachment permit shall be required for all work within the right-of-way. **(PW)**
9. The development shall meet all local and State regulations regarding installation and operation of all underground storage tanks. **(FD)**

Public Hearing Part 3 of 3 – Approved Action – See Recommended Action 2 Certifying the EIR

ATTACHMENT 2*

**PARKSIDE ESTATES
ENVIRONMENTAL IMPACT REPORT
HUNTINGTON BEACH, CALIFORNIA**

CEQA STATEMENT OF FINDINGS AND FACTS

SCH# 97091051

PREPARED FOR:

**CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648**

PREPARED BY:

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October 2002

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CEQA STATEMENT OF FINDINGS AND FACTS PARKSIDE ESTATES

ENVIRONMENTAL IMPACT REPORT

I. BACKGROUND

This document has been prepared to explain the rationale that the City of Huntington Beach has used in making particular findings of the effects created by the project. Facts to support the findings are explained for insignificant effects, effects mitigated to a level less than significant, and unavoidable significant environmental effects, in this order.¹ This document concludes with a discussion of the alternatives considered and the rationale for rejection of the alternatives.

The California Environmental Quality Act (CEQA) and Section 15091(a) of the State CEQA Guidelines (Guidelines) promulgated pursuant thereto provide:

“No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding.”

¹ The proposed recommended project would not in fact result in unavoidable significant environmental effects. See Section II.C.

The possible findings are:

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Finding (2) - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

The findings shall be supported by substantial evidence in the record.

A finding of infeasibility shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

The document is organized into three sections. This section, Background, identifies the possible findings that may be made. This section also provides a discussion of the planning and environmental review process for the project. The second section, Findings and Facts in Support of Findings for Significant Environmental Effects of the Environmentally Superior Alternative (Recommended Project), provides a summary of the impacts determined to be insignificant, the impacts mitigated to a level less than significant, and the unavoidable adverse impacts. The third section, Rejection of the Original Project and other Project Alternatives, describes the alternatives to the proposed project and provides the rationale for the rejection of the alternatives.

The City of Huntington Beach is considering approval of the Parkside Estates project. Because the proposed actions constitute a project under the Guidelines, and the project may have a significant effect on the environment, and the project is not exempt; the City has prepared an Environmental Impact Report (EIR). This EIR has identified certain significant effects which may occur as a result of the project, or on a cumulative basis in conjunction with other past, present, and reasonably foreseeable future projects.

ENVIRONMENTAL REVIEW PROCESS

This section describes the environmental review process for the originally proposed project and new alternatives to the Draft EIR.

The City of Huntington Beach notified all responsible agencies and interested groups and individuals of the preparation of a Draft Environmental Impact Report (EIR) for the Parkside Estates residential project. The City of Huntington Beach took the following actions to solicit public input during the preparation of the Draft EIR.

1. The Initial Study was prepared on September 15, 1997 by the City of Huntington Beach. A copy of the Initial Study is included within Appendix A of the Draft EIR.

2. A Notice of Preparation (NOP) was prepared and distributed on September 17, 1997. A copy of the NOP is included in Appendix A-1 of the Draft EIR. The NOP with the Initial Study was circulated for a 30-day public review period on Wednesday, September 17, 1997.
3. Though not required by CEQA, a Public Information Meeting was held on October 9, 1997 and notice of this meeting was mailed to all property owners within a 1,000-foot radius of the project property boundary. Notice of the scoping meeting was also published in the Huntington Beach Independent Newspaper. Verbal and written comments were received in response to the NOP and Initial Study. A copy of these comments is included within Appendix A-2 of the Draft EIR.
4. A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on Friday, April 17, 1998. The Draft EIR and NOC were distributed to agencies, groups, organization, and individuals. A copy of the NOC and the State Clearinghouse distribution list is available for review and inspection at the City of Huntington Beach, 2000 Main Street, Huntington Beach, California 92648.
5. Due to several requests made to the City, the public review period was extended from 45 days to 60 days, and the State Clearinghouse established an official 60-day public review period for the Draft EIR. It began on Friday, April 17, 1998 and officially ended on June 15, 1998. A copy of these letters is contained in Volume III of the Final EIR document. The City accepted public letters through June 26, 1998.
6. A Public Information Meeting was held related to the proposed project and the Draft EIR on Thursday, May 14, 1998. Verbal and written comments related to the Draft EIR were accepted at this Public Information Meeting. Notes on the verbal comments along with responses to both verbal and written comments are contained within Volume I of the Final EIR document. Written comments received at this meeting are contained in Volume III of the Final EIR document.
7. In accordance with City policy, public meeting notices (including an EIR availability notice) were mailed to all property owners within a 500-foot radius of the proposed project property boundary. Additionally, notices were sent to individuals who requested to be notified by completing a public meeting sign-in sheet and those individuals who telephoned City Hall with a request to be notified. Notice of the Public Information Meeting was also published in the Huntington Beach Independent newspaper.
8. Following the close of the 60-day public review period ending on June 15, 1998 and based on the written and verbal comments received on the Draft EIR 97-2, City staff and EDAW began preparation of formal responses and Draft EIR Errata pages. The formal responses are part of the Response to Comments document, dated July 2002. At City staff's request, the project applicant also prepared a Reduced Density Alternative Concept from July 1998 through February 1999.
9. Based upon the Draft EIR comment letter from the County of Orange dated May 27, 1998, City staff and the applicant met with the County of Orange between June 1998 and June 2000 to discuss the status and results of the WEST Consultants' new analysis of the CO5 Channel watershed. The results of this analysis were used for the issuance of a revised Flood Insurance Rate Map covering the project site.

10. In response to the issuance of the revised Flood Insurance Rate Map (FIRM) on June 14, 2000, issued by FEMA; the submittal of a request for a Conditional Letter of Map Revision (CLOMR) to FEMA by Shea Homes; and the November 2000 Coastal Commission decision, which designated the County portion of the project site as "conservation," City staff requested and the applicant agreed to prepare a series of alternatives that would address this new information. Based on the new alternatives, staff recommended preparation of a New Alternatives to the Draft EIR document, which disclosed the impacts of the new alternatives.
11. The New Alternatives to the Draft EIR document was distributed to agencies, groups, organizations, and individuals. The State Clearinghouse established an official 45-day public review period for the New Alternatives to the Draft EIR document. The review period began on June 29, 2001 and officially ended on August 12, 2001. A copy of the comment letters is contained in Volume III of the Final EIR document. The City accepted public letters through August 15, 2001.
12. A Public Information Meeting was held related to the proposed project and the New Alternatives to the Draft EIR on Wednesday, July 25, 2001. Verbal and written comments related to the New Alternatives to the Draft EIR were accepted at this Public Information Meeting. Notes on the verbal comments along with responses to both verbal and written comments are contained in Volume I of the Final EIR document. Written comments received at this meeting are contained in Volume III of the Final EIR document.
13. Public Meeting notices including a "notice of availability" for the New Alternatives document were mailed to all property owners and occupants within a 1,000-foot radius of the project property boundary and the notice was published in the Huntington Beach Independent Newspaper.
14. Following the close of the 45-day public review period ending on August 12, 2001 and based on the written and verbal comments received on the New Alternatives to the Draft EIR, City staff and EDAW prepared formal responses and New Alternatives Errata pages. The formal responses are part of the Final EIR Response to Comments document, dated July 2002.
15. The Final EIR, which includes the original Draft EIR, comments and responses on the Draft EIR, the New Alternatives to the Draft EIR, comments and responses on the New Alternatives to the Draft EIR document, and Errata pages will be considered for certification.

II. FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (RECOMMENDED PROJECT)

This section provides a summary of the findings and facts in support of the findings for the environmental effects of the environmentally superior alternative (recommended project). The summary is provided for impacts determined to be insignificant, impacts mitigated to a level less than significant, and unavoidable adverse impacts.

The project as originally proposed and analyzed in the Draft EIR has been rejected from further consideration within Section III of this document. This has been due to the following factors: a) based on comments received (during the 60-day review of the Draft EIR) from the California

Coastal Commission (CCC), the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (DFG), Bolsa Chica Land Trust (BCLT), and others, a new reduced density alternative concept was created. The overall intent of the reduced density alternative concept was to avoid eucalyptus trees on the County portion of the site, as part of a larger Environmentally Sensitive Habitat Area (ESHA); avoid impacts to remnant wetland (i.e., remnant pickleweed) area located in the County portion of the project; avoid impacts to the 0.4-acre EPA delineated wetland area in the County; and consider alternative uses (i.e., open space/scenic greenway) for the County parcel that would avoid houses jutting further into the lowland area currently being planned for restoration and long-term conservation of fish and wildlife and b) the issuance of a revised Flood Insurance Rate Map (FIRM) by FEMA on July 14, 2000, which led to the submittal of a Conditional Letter of Map Revision (CLOMR) application to FEMA (with associated hydrologic studies) by Shea Homes in February 2001 and subsequent approval of the CLOMR by FEMA on June 6, 2002.

Section 15126.6(f) of the CEQA Guidelines states that the alternatives prepared "shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project." Four reduced density alternatives were created (using the reduced density concept as the basis). One of these four alternatives (Alternative 7), which is consistent with 1) the approved FEMA CLOMR, 2) the goals of the City's General Plan, and 3) the objectives of the project applicant, is being recommended with the deletion of one unit, as the environmentally superior alternative (recommended project). A summary description of this recommended project is provided below along with Findings and Facts in Support of Findings for Significant Effects of the Environmental Superior Alternative.

Alternative 7, Reduced Density Alternative (9-lot County) with Projected Base Flood Elevation (updated FEMA with LOMR), 4.5 feet, has been recommended by the City staff to become the recommended project and replace the original project. Alternative 7 is technically feasible, and it meets the project applicant's objectives. This alternative reduces impacts of the original project in that it completely avoids the eucalyptus trees, the EPA delineated pocket wetland, and the pickleweed patch located on the County portion of the site, and provides a 464-foot buffer from the closest residential use to the 0.13-acre on-site ESHA. Furthermore, it provides 6 additional acres of open space and 36 total fewer units. This recommended project increases the overall site base flood elevation, compared to the original project, however, this results in an insignificant difference in the amount of import and the duration of grading operation. Additionally, implementation of this alternative would result in fewer impacts related to flooding than the original proposal analyzed under the Draft EIR. Based on the detailed Flood Plain Analysis provided by Exponent, this alternative provides adequate protection against flooding. Additionally, the CLOMR application was approved by FEMA on June 6, 2002 and set the BFE at 4.6 feet. Thus, this alternative reduces many impacts compared to the original project, achieves City's objectives including the provision of housing, and does not create new significant impacts related to the increase in base flood elevation. Therefore, it is environmentally superior to the original project and other alternatives presented.

Additionally, Alternative 7 proposes 9 lots within the County portion of the project site, however, upon the recommendation of City staff as the "recommended project," one lot within the County parcel will be deleted to achieve a minimum 100-foot buffer between the homes and potential jurisdictional wetlands. Therefore, Alternative 7, as the "recommended project" proposes 170 lots, which includes 8 lots within the County portion of the site.

A. IMPACTS DETERMINED TO BE INSIGNIFICANT

The following summary briefly describes impacts determined to be insignificant in the preparation of the Initial Study and EIR.

Initial Study

An Initial Study was prepared to identify the potential significance of the effects due to the proposed project. Explanations for why these impacts were found not to be significant are identified below and contained in Appendix A of the Draft EIR. As indicated in the New Alternatives to the Draft EIR and within the Final EIR, the "recommended project" (Alternative 7) is environmentally superior to the "original project." The below Initial Study findings of impacts considered "less than significant" for the originally proposed project would also apply to the recommended project.

Farmland

The project will result in the loss of farmland currently located on the site; however, according to State Department of Conservation, the site is not designated as prime or unique farmland. The project is consistent with the site's land use designation. According to the prior property owners (MWD) and historical records, the project site has been farmed for bean crops and/or regularly disced and cleared since the 1950's. No impacts related to agricultural resources are anticipated.

Landslide, Expansive Soils, and Groundwater

According to the Huntington Beach General Plan Update Technical Background Report, there is a slight potential for landslide activity within Huntington Beach. Although the potential for landslides exists, there have been no historical problems associated with landslides in the project area.

According to the PSE report, the near-surface onsite soils vary in expansion potential from "very low" to "low" when tested in accordance with UBC 18-2, which is the testing procedure typically utilized throughout southern California to determine soils expansion potential. Potential impacts associated with expansive soils are therefore considered to be less than significant.

The proposed project will not result in substantial reduction in the amount of groundwater otherwise available for public water supplies.

Climate and Objectionable Odors

The project will not alter ambient temperatures, moisture or airflow.

It is not anticipated that the proposed residential project will produce any noticeable objectionable odors.

Historic Resources

According to the City of Huntington Beach Historic and Cultural Resources Element of the General Plan, no historical resources exist on the project site. Therefore, the project will not affect historical resources or existing local religious or sacred uses within the potential impact area.

Final EIR

Impacts which were determined by the Final EIR not to be significant are listed below. Explanations for why these impacts were found not to be significant are contained within the Final EIR in the appropriate environmental section.

Land Use Compatibility

No impacts related to on-site residential land use relationships are anticipated.

No impacts related to on-site land use relationships between the proposed park and proposed residential uses are anticipated.

The establishment of new residential land use relationships with adjacent land uses will not result in significant impacts.

No impacts related to land use relationships between the proposed park and existing off-site residential uses are anticipated.

The proposed project will not result in impacts to the Land Use, Urban Design, Housing, Historic and Cultural Resources, Economic Development, Growth Management, Circulation, Public Facilities and Public Services, Recreation and Community Services, Utilities, Environmental Resources/ Conservation, Air Quality, Coastal, Environmental Hazards, Noise, and Hazardous Materials Elements of the City of Huntington Beach General Plan.

The proposed project will not result in impacts to the Land Use Plan, or its associated components, of the Bolsa Chica Local Coastal Program.

The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will not result in impacts to the Land Use, Urban Design, Historic and Cultural Resources, Economic Development, Growth Management, Circulation, Public Facilities and Public Services, Recreation and Community Services, Utilities, Environmental Resources/ Conservation, Air Quality, Coastal, Environmental Hazards, Noise, and Hazardous Material Elements. No significant cumulative land use impacts to the above stated elements are anticipated.

The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will not result in impacts to the Land Use Plan, or its associated components, of the Bolsa Chica Local Coastal Program.

Aesthetics

The proposed recommended project will not result in impacts to a City-proposed scenic route designated adjacent to the site.

The proposed recommended project will not result in the removal of eucalyptus trees which could affect the current views of the site.

Transportation/Circulation

The proposed recommended project will not result in project-specific impacts related to vehicular traffic increases at the modeled intersections and roadway segments under the existing plus project condition.

The proposed recommended project will not result in significant impacts to parking.

The proposed recommended project will not result in project-specific impacts related to vehicular traffic increases at the modeled intersections and roadway segments under the short-term cumulative condition.

Noise

The proposed recommended project will increase the existing plus project traffic noise levels along Graham Street by up to 0.8 dB. The 0.8 dB increase in noise levels is not considered a significant impact.

The proposed recommended project in conjunction with other past, present, and reasonably foreseeable future projects will not result in a significant incremental increase (0.8 dBA) in traffic noise levels in the year 2020. Noise levels in excess of 65 CNEL are not anticipated considering the sound reduction effects of the proposed wall along the northern property line and along Graham Street.

The proposed recommended project in conjunction with other past, present, and reasonably foreseeable future projects will not result in a short-term cumulative construction noise impact.

Earth Resources

No active or potentially active faults are known to exist on the site. There are no impacts associated with ground surface rupture on the project site.

With the implementation of the “remedial grading” component of the proposed recommended project (which raises the site grades), potential impacts from Tsunamis are less than significant.

Impacts from Seiches are low and with implementation of the “remedial grading” component of the project (which raises the site grades) and improvements to the CO5 channel as identified in Section 5.7, potential impacts would be less than significant.

The proposed recommended project in conjunction with other past, present, and reasonable foreseeable future projects will not result in a cumulative impact related to geology/soils.

The proposed recommended project would not result in removal impacts to the County parcel wetland habitats, and therefore, no mitigation is required.

Biological Resources

The proposed recommended project would not result in removal impacts to the County parcel wetland habitats and therefore no mitigation is required.

Cultural Resources

The proposed recommended project will not result in a significant impact on paleontological sites.

Public Services and Utilities

Implementation of the proposed recommended project will not result in significant impacts to public transportation services.

B. IMPACTS MITIGATED TO A LEVEL LESS THAN SIGNIFICANT

Impacts associated with the following environmental issues will be mitigated to a level less than significant upon implementation of the Mitigation Monitoring Program formulated to address the recommended mitigation measures. The following is a summary of the findings and applicable mitigation measures.

Initial Study

As indicated in the New Alternatives to the Draft EIR and within the Final EIR, the "recommended project" (Alternative 7) is environmentally superior to the "original project." The below Initial Study findings of impacts considered to be "mitigated to a level less than significant" for the originally proposed project would apply to the recommended project.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts to natural resources and energy.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Building design and construction shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code. Prior to approval of building permits for the Specific Plan, architectural and engineering plans shall be subject to the review and approval of the Director of Building and Safety to ensure conformance with these standards. Energy conservation features should include:
 - Installation of thermal insulation in walls and ceilings, which meet or exceed State of California, Title 24 requirements.
 - Insulation of hot water pipes and duct systems. Use of natural ventilation where possible.
 - Use of natural gas for space heating and cooking. Installation of ventilation devices.
 - Orientation to sunlight and use of overhangs.
 - Landscaping with deciduous trees, to provide shade in the summer months and allow sunlight through in the winter months.

Public Services and Utilities**SIGNIFICANT EFFECT**

The proposed project may result in impacts to solid waste disposal services and facilities.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

TELEPHONE

1. Prior to issuance of building permits, building plans shall be submitted to GTE enabling GTE to assess the improvements necessary to provide adequate service to the project site.

LIBRARY

1. The applicant shall provide development fees to mitigate conditions of increased demand as part of building permit application. These fees shall be based on the City fee schedule in effect at the time of future building permit applications.

SOLID WASTE DISPOSAL

1. To reduce the proposed project's impacts on waste disposal facilities, project designs shall develop a means of reducing the amount of waste generated both during construction and when the project is in use. The waste reduction program shall be approved by the Planning Director prior to issuance of building permits. Potential ways of reducing project waste loads include implementation of recycling programs, and use of low maintenance landscaping when possible (i.e., native vegetation instead of turf).
2. Rainbow Disposal shall be contacted during the design stage of project components to ensure the most efficient and economical means for rubbish removal. The designs shall include rubbish enclosures, projected travel areas, and turnabouts where necessary.

Final EIR**LAND USE COMPATIBILITY****SIGNIFICANT EFFECT**

The proposed recommended project may result in impacts related to the provision of affordable housing.

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to recordation of a final tract map, the applicant must satisfy the City's policy requiring 10 percent of proposed units to be affordable. This requirement must be satisfied to the discretion of the City Department of Planning through one of the following methods:
 - a. Pay a fee to the City, if such a process is available;
 - b. Participate with other developers or a non-profit organization to acquire and/or rehabilitate existing apartment units at any off-site location within a suitable area and provide for continued affordability; or
 - c. Provide the required affordable units at one of Shea Homes' future multi-family projects within the City of Huntington Beach.

SIGNIFICANT EFFECT

The proposed recommended project, in conjunction with other past, present, and reasonably foreseeable future projects, may result in inconsistencies with the City's Affordable Housing Policy.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to recordation of a final tract map, the applicant must satisfy the City's policy requiring 10 percent of proposed units to be affordable. This requirement must be satisfied to the discretion of the City Department of Planning through one of the following methods:
 - a. Pay a fee to the City, if such a process is available;
 - b. Participate with other developers or a non-profit organization to acquire and/or rehabilitate existing apartment units at any off-site location within a suitable area and provide for continued affordability; or
 - c. Provide the required affordable units at one of Shea Homes' future multi-family projects within the City of Huntington Beach.

Aesthetics/Light and Glare**SIGNIFICANT EFFECT**

The proposed recommended project may be perceived by some members of the community as having a negative aesthetic effect due to the reduction of viewable open space areas.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to approval of building permits, the applicant shall provide proof of incorporation of City comments/conditions related to the overall proposed design and layout of buildings, and landscaping. This design and layout of buildings shall be approved by the City Department of Planning.
2. Prior to issuance of building permits, the applicant shall submit a landscape plan for the area outside the perimeter wall along Graham Street to be reviewed and approved by the City Department of Planning.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts to County-proposed trails.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to approval of building permits, the applicant shall submit a bikeway plan to the City of Huntington Beach Planning Department, in consultation with the Manager of the County PFRD/HBP Program Management and Coordination, for approval of consistency with the Orange County Bikeway Plan.

SIGNIFICANT EFFECT

The proposed recommended project's development will increase the generation of light and glare on site with on site vehicle related increases. Further, the proposed recommended project may result in an impact on the surrounding residential developments primarily to the north and to some extent to the east.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the approval of building permits, the applicant shall prepare a plan which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the City Planning and Public Works Department.
2. Prior to the approval of building permits, if outdoor lighting is to be included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.
3. Non-reflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the City Planning and Public Works Department.

SIGNIFICANT EFFECT

Lighting from the proposed recommended project may result in light and glare impacts to adjacent off site uses.

Finding

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the approval of building permits, the applicant shall prepare a plan which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the City Planning and Public Works Department.
2. Prior to the approval of building permits, if outdoor lighting is to be included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.

3. Non-reflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the City Planning and Public Works Department.

Transportation and Circulation

SIGNIFICANT EFFECT

The proposed recommended project will result in short-term construction related impacts due to the addition of truck and construction vehicle traffic. Depending on the location of the haul route, traffic impacts along the selected route may occur.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to the issuance of grading permits, the applicant shall coordinate with the City of Huntington Beach in developing a truck and construction vehicle routing plan (including dirt import haul route). This plan shall specify the hours in which transport activities can occur and methods to minimize construction related impacts to adjacent residences. The final plan shall be approved by the City Engineer.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts to pedestrian, bicycle, and vehicular safety related to the establishment of access and an on-site circulation system.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a final inspection, the applicant shall construct a traffic signal and improve the intersection at the proposed "A" Street and Graham Street.
2. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.

3. Prior to the final inspection, the applicant shall be responsible for restriping Graham Street from Glenstone to the project access ("A" Street) as follows:

- Two 7 foot bikelanes; one 12' through lane in each direction, and a 14' two-way left turning median.

Additionally, the applicant shall be responsible for restriping Graham Street from "A" street to Warner Avenue, as follows:

- Two 7 foot bikelanes, one 18' through lane in each direction, and a 14' two-way left turning median.

The improvements shall be approved by the City Engineer.

SIGNIFICANT EFFECT

The proposed recommended project in conjunction with other past, present, and reasonably foreseeable future projects will result in level of service deficiencies at the intersections Bolsa Chica Street and Warner Avenue and Graham Street and Warner Avenue under the year 2020 condition.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to the issuance of building permits, the applicant shall pay the applicable Traffic Impact Fee (TIF) for the City of Huntington Beach. The actual allocation shall be approved by the City. Appropriate credits shall be granted toward the TIF. The TIF shall cover the project's fair share of year 2020 improvements to the arterial street system such as:
 - Bolsa Chica Street/Warner Avenue - reconfigure intersection for east/west traffic to provide dual left turns and either three throughs or two throughs and an exclusive right turn lane. This deficiency is a product of cumulative growth and not a direct result of the proposed project.
 - Graham Street/Warner Avenue - reconfigure intersection to provide an exclusive southbound right turn lane from Graham Street to Warner Avenue. This deficiency is a product of cumulative growth and not a direct result of the proposed project.

Air Quality

SIGNIFICANT EFFECT

The proposed recommended project is anticipated to exceed SCAQMD's daily threshold emission levels for NO_x during construction activities. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. During grading and construction, the applicant shall be responsible for compliance with the following:
 - A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune.
 - B. After clearing, grading, earth moving, or excavation:
 - 1) Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind.
 - 2) Spread soil binders; and
 - 3) Implement street sweeping as necessary.
 - C. During construction:
 - 1) Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site;
 - 2) Wet down areas in the late morning and after work is completed for the day;
 - 3) Use low sulfur fuel (.05% by weight) for construction equipment.
 - D. Phase and schedule construction activities to avoid high ozone days.
 - E. Discontinue construction during second stage smog alerts.
2. During grading and construction, the applicant shall be responsible for compliance with the following (or other resources as required by the City Engineer):
 - A. Require a phased schedule for construction activities to minimize daily emissions.
 - B. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.
 - C. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days).
 - D. Require the planting of vegetative ground cover as soon as possible on construction sites.

- E. Install vehicle wheel-washers before the roadway entrance at construction sites.
 - F. Wash off trucks leaving site.
 - G. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides.
 - H. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads.
 - I. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials.
 - J. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards.
 - K. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical.**
- 3. During grading and construction, the applicant shall be responsible for assuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 mph.
 - 4. During grading and construction, the applicant shall be responsible for the paving of all access aprons to the project site and the maintenance of the paving.
 - 5. Prior to issuance of grading permits, the applicant shall be responsible for assuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions.
 - 6. Prior to issuance of grading permits, the applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Public Works Department, shall include, as appropriate:
 - Provision of rideshare incentives.
 - Provision of transit incentives for construction personnel.
 - Configuration of construction parking to minimize traffic interference.
 - Measures to minimize obstruction of through traffic lanes.
 - Use of a flagman to guide traffic when deemed necessary.

SIGNIFICANT EFFECT

Although the mobile source emissions would not exceed SCAQMD thresholds, the project in conjunction with other past, present, and reasonably foreseeable future projects would incrementally contribute to emissions to an air basin designated as non-attainment.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the final inspection, the applicant shall provide proof to the City's Traffic Engineer that the project has contributed its 'fair-share' towards regional traffic improvement systems (i.e., traffic impact fees) for the area. This shall include efforts to synchronize traffic lights on streets impacted by project development.
2. Prior to the final inspection, the applicant shall provide proof that energy saving features have been installed in project homes as required by the Uniform Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc.

SIGNIFICANT EFFECT

The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will result in a short-term air quality impact due to construction activities. The addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. During grading and construction, the applicant shall be responsible for compliance with the following:
 - A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune.
 - B. After clearing, grading, earth moving, or excavation:
 - 1) Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind.
 - 2) Spread soil binders; and
 - 3) Implement street sweeping as necessary.
 - C. During construction:

- 1) Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site;
 - 2) Wet down areas in the late morning and after work is completed for the day;
 - 3) Use low sulfur fuel (.05% by weight) for construction equipment.
- D. Phase and schedule construction activities to avoid high ozone days.
- E. Discontinue construction during second stage smog alerts.
2. During grading and construction, the applicant shall be responsible for compliance with the following (or other resources as required by the City Engineer):
 - K. Require a phased schedule for construction activities to minimize daily emissions.
 - L. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.
 - M. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days).
 - N. Require the planting of vegetative ground cover as soon as possible on construction sites.
 - O. Install vehicle wheel-washers before the roadway entrance at construction sites.
 - P. Wash off trucks leaving site.
 - Q. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides.
 - R. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads.
 - S. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials.
 - T. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards.
 - K. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical.**
3. During grading and construction, the applicant shall be responsible for assuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 mph.
4. During grading and construction, the applicant shall be responsible for the paving of all access aprons to the project site and the maintenance of the paving.

5. Prior to issuance of grading permits, the applicant shall be responsible for assuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions.
6. Prior to issuance of grading permits, the applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Public Works Department, shall include, as appropriate:
 - Provision of rideshare incentives.
 - Provision of transit incentives for construction personnel.
 - Configuration of construction parking to minimize traffic interference.
 - Measures to minimize obstruction of through traffic lanes.
 - Use of a flagman to guide traffic when deemed necessary.

Noise

SIGNIFICANT EFFECT

The proposed recommended project has the potential to result in significant short-term noise impacts during exterior and interior construction activities.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to issuance of grading permits, the applicant shall submit and have approved a noise mitigation plan to the Department of Planning that will reduce or mitigate short-term noise impacts to nearby noise sensitive. The plan shall comply with the City of Huntington Beach Noise Ordinance and shall include, but not be limited to:
 - A. A criteria of acceptable noise levels based on type and length of exposure to construction noise levels;
 - B. Physical reduction measures such as temporary noise barriers that provide separation between the source and the receptor; temporary soundproof structures to house portable generators; and
 - C. Temporary generators (if utilized) shall be located as far as practical from sensitive noise receptors.
 - D. Mitigation measures such as restrictions on the time of construction for activities resulting in high noise levels.
2. Prior to issuance of grading permits, the applicant shall produce evidence acceptable to the City Engineer that:

- A. All grading and construction vehicles and equipment, fixed or mobile, shall be equipped and maintained with effective muffler systems that use state of the art noise attenuation.
- B. Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors.
- C. All operations shall comply with the City of Huntington Beach Noise Ordinance.

SIGNIFICANT EFFECT

The proposed recommended project may result in long-term noise impacts.

Based on the distance of on-site and off-site homes to the park and the barriers included as part of the recommended project (i.e., passive paseo park and slope), the proposed recommended project is not anticipated to result in significant noise impacts from recreational activities at the proposed park site.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect identified for the 1998 original project has been substantially lessened to a level less than significant by virtue of the recommended project (which increases the separation of off-site homes from the proposed Parkside homes by including a paseo park along the northerly boundary) and the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to issuance of grading permits, the applicant shall produce evidence (specifications) acceptable to the City that the new walls, if constructed, along the project's northern property (along the rear property line of lot #103 to lot #123 on Kenilworth Drive and the side property lines of lots #125 and #126 on Greenleaf Lane of Tract 5792) and Graham Street (along the project's boundary) will be constructed to achieve maximum sound attenuation.

Earth Resources

SIGNIFICANT EFFECT

Significant settlements of peat deposits within the upper 5 feet could continue over the design life of the structures without mitigation in the form of removal and/or surcharge.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.
2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.

SIGNIFICANT EFFECT

The potential exists for significant impacts from the on-site mildly to severely corrosive soils.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.
2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the

structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts from soils with poor pavement support characteristics.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.
2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts from soils with low shear strength.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.
2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts from soil shrinkage.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.

2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts due to ground shaking.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.
2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.
3. Prior to issuance of a building permit, it shall be proven to the Department of Building and Safety that all structures are designed in accordance with the seismic design provisions of the Uniform Building Codes or Structural Engineers Association of California to promote safety in the event of an earthquake.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts associated with liquefaction and seismic settlement.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.

SIGNIFICANT EFFECT

The proposed recommended project may result in local subsidence of adjacent properties along the project's northern property boundary due to dewatering.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to the issuance of grading permits, the applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate ground water levels during the proposed project dewatering activities. The dewatering activities shall be adjusted immediately if the monitoring wells show ground water level changes which may effect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works.

SIGNIFICANT EFFECT

The proposed recommended project may result in groundwater impacts.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of grading permits, the applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate ground water levels during the proposed project dewatering activities. The dewatering activities shall be adjusted immediately if the monitoring wells show ground water level changes which may effect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works.

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts from hazardous materials.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of a grading permit, Phase II environmental soil sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels are identified by this analysis, "clean up" measures shall be recommended and implemented. The Phase II sampling and any necessary measures shall be approved by the Department of Public Works.
2. Prior to the final inspection, testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning.

Drainage/Hydrology

SIGNIFICANT EFFECT

The proposed recommended project may result in potential impacts to drainage.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to the issuance of building permits, the project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements which shall include, but not be limited to:
 - Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows.
 - Ensure that future building pads are placed at elevations suitable to withstand 100-year flood.
 - Construct the necessary improvements to the East Garden Grove - Wintersburg Channel (C05) along the site's developed edge.

SIGNIFICANT EFFECT

The proposed recommended project may result in potential impacts associated with flooding.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. Prior to the issuance of building permits, the project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements which shall include, but not be limited to:
 - Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows.
 - Ensure that future building pads are placed at elevations suitable to withstand 100-year flood.
 - Construct the necessary improvements to the East Garden Grove - Wintersburg Channel (C05) along the site's developed edge.

SIGNIFICANT EFFECT

The proposed recommended project may result in potential impacts to water quality.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to issuance of any grading permits, the applicant shall submit a “Notice of Intent” (NOI), along with the required fee to the State Water Resources Control Board to be covered under the State NPDES General Construction permit and provide the City with a copy of the written reply containing the discharger’s identification number.
2. Prior to the issuance of the grading permits, the applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the EPA) for review and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions which are appropriate.

SIGNIFICANT EFFECT

The proposed recommended project in conjunction with other past, present, and reasonably foreseeable future projects may result in drainage, flooding, and water quality impacts.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to the issuance of building permits, the project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements, which shall include, but not be limited to:
 - Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows.
 - Ensure that future building pads are placed at elevations suitable to withstand 100-year flood.
 - Construct the necessary improvements to the East Garden Grove - Wintersburg Channel (C05) along the site’s developed edge.
2. Prior to issuance of any grading permits, the applicant shall submit a “Notice of Intent” (NOI), along with the required fee to the State Water Resources Control Board to be covered under the State NPDES General Construction permit and provide the City with a copy of the written reply containing the discharger’s identification number.
3. Prior to the issuance of the grading permits, the applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the EPA) for review and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practical

using management practices, control techniques and systems, design and engineering methods, and such other provisions which are appropriate.

Biological Resources

SIGNIFICANT EFFECT

The proposed recommended project may result in impacts to potential active nesting sites for native birds of prey during construction.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measure identified in the EIR and incorporated into the project.

1. If project grading construction is scheduled during the normal breeding season for red-tailed hawk and other raptors locally (March to July), a survey shall be conducted for active nests. Prior to the issuance of grading permits, should any active nests be located within the zone of potential disturbance, construction activities shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest site. The 500 foot protection zone shall be fenced with visible warning-color materials. Nest trees shall be removed during the non-breeding season only.

SIGNIFICANT EFFECT

The proposed recommended project, in conjunction with other past, present, and reasonably foreseeable future projects, may incrementally contribute to the cumulative loss of biological resources (i.e., nesting sites for native birds of prey).

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. If project grading construction is scheduled during the normal breeding season for red-tailed hawk and other raptors locally (March to July), a survey shall be conducted for active nests. Prior to the issuance of grading permits, should any active nests be located within the zone of potential disturbance, construction activities shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest site. The 500-foot protection zone shall be fenced with visible warning-color materials. Nest trees shall be removed during the non-breeding season only.

Cultural Resources**SIGNIFICANT EFFECT**

The proposed recommended project may result in a significant impact on archaeological sites CA-ORA-1308 and 1309.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to issuance of a grading permit, the applicant shall conduct a subsurface test investigation for CA-ORA-1308 and 1309 to determine the horizontal boundaries of the sites as well as to confirm the surface conclusions of non-significance as indicated in the March, 1997 Archeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two 1x1-meter hand excavated units for stratigraphic control. The subsurface test investigation, which includes discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and cost estimates, shall be submitted to the Planning Director for review and approval.
2. Prior to issuance of a grading permit, the applicant shall create (if deemed necessary through Measure 1 above) a cultural resource management plan based on test results. A full data recovery program shall be designed if site avoidance is not feasible through design. Possible recovery plans include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary. The plan shall include consultation with appropriate Native American Organization and be reviewed and approved by the Planning Director. Additionally, the plan shall require peer review in conformance with the Coastal Commission's Archaeological Guidelines.
3. Prior to issuance of a grading permit, the applicant shall provide written evidence that a certified archaeologist has been retained, shall be present at the pre-grading meeting/ conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. The archaeological resource surveillance procedures shall include a provision for Native American review of grading operations. If additional or unexpected archaeological features are discovered, the archeologist shall report such findings to the applicant and to the Department of Planning and the appropriate Native American Organization. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the applicant, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.

SIGNIFICANT EFFECT

The proposed recommended project in conjunction with other past, present, and reasonably foreseeable future projects will incrementally contribute to the cumulative loss of potentially significant cultural resources.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

1. Prior to issuance of a grading permit, the applicant shall conduct a subsurface test investigation for CA-ORA-1308 and 1309 to determine the horizontal boundaries of the sites as well as to confirm the surface conclusions of non-significance as indicated in the March, 1997 Archeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two 1x1-meter hand excavated units for stratigraphic control. The subsurface test investigation, which includes discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and cost estimates, shall be submitted to the Planning Director for review and approval.
2. Prior to issuance of a grading permit, the applicant shall create (if deemed necessary through Measure 1 above) a cultural resource management plan based on test results. A full data recovery program shall be designed if site avoidance is not feasible through design. Possible recovery plans include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary. The plan shall include consultation with appropriate Native American Organization and be reviewed and approved by the Planning Director. Additionally, the plan shall require peer review in conformance with the Coastal Commission's Archaeological Guidelines.
3. Prior to issuance of a grading permit, the applicant shall provide written evidence that a certified archaeologist has been retained, shall be present at the pre-grading meeting/ conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. The archaeological resource surveillance procedures shall include a provision for Native American review of grading operations. If additional or unexpected archaeological features are discovered, the archeologist shall report such findings to the applicant and to the Department of Planning and the appropriate Native American Organization. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the applicant, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.

Public Services and Utilities

SIGNIFICANT EFFECT

The proposed recommended project may create increased demand for public services and utilities on a local and regional basis. Additionally, the project, in conjunction with other past, present and reasonably foreseeable future projects, will create an increased demand on fire, police, schools, community services, water, sewer, natural gas, and electrical services and facilities.

FINDING

Finding (1) - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS IN SUPPORT OF FINDING

The significant effect has been substantially lessened to a level less than significant by virtue of the following mitigation measures identified in the EIR and incorporated into the project.

FIRE

1. Prior to approval of building permits, building plans shall be submitted to and approved by the Fire Department. If during the Fire Department's plan check it becomes evident that fireground operations will become impeded, the department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc.

POLICE

2. Prior to issuance of building permits, the Police Department shall be consulted during preliminary stages of the project design to review the safety features, determine their adequacy, and suggest improvements.
3. During construction and at complete buildout, the project shall provide easy access into and within the project site for emergency vehicles and addresses shall be well marked to facilitate response by officers. Prior to the first final inspection, project site plans depicting these requirements shall be reviewed and approved by the Police Department.

SCHOOLS

4. Prior to issuance of building permits, the applicant shall provide school fees to mitigate conditions of overcrowding as part of building permit application. These fees shall be based on the State fee schedule in effect at the time of building permit applications.
5. Prior to issuance of building permits, the applicant shall show proof of compliance with the Mitigation Agreement established between the Huntington Beach Union High School District, subject to the approval of the City of Huntington Beach.

WATER

6. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the development proposed on the City parcel, which addresses the following:
 - a. Water demand required by project

(fire flow demand as determined by the Fire Department)

- b. Master Plan/General Plan Amendment (GPA) review
The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2O NET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the Water Master Plan was adopted).

The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2O NET), for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that project demands cannot be met with the City's current water system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City.

- 7. Prior to issuance of use and occupancy permits, the following water conservation measures shall be implemented as required by state law:
 - a. Ultra-low-flush toilets
 - b. Ultra-low-flow showers and faucets
 - c. Insulation of hot water lines in water recirculating systems
 - d. Compliance with water conservation provisions of the appropriate plumbing code
- 8. Prior to final inspection, water pressure regulators to limit downstream pressure to a maximum of 60 psi shall be installed.
- 9. Prior to issuance of building permits, pervious paving material shall be used whenever feasible to reduce surface water runoff and aid in groundwater recharge and slopes and grades shall be controlled to discourage water waste through runoff.
- 10. Prior to final inspection, the applicant shall provide information to prospective residents regarding benefits of low water use landscaping and sources of additional assistance in selecting irrigation and landscaping.
- 11. The Water Division and Park, Tree, and Landscape Division of the City's Public Works Department shall be consulted during design and construction of the Park for further water conservation measures to review irrigation designs and drought tolerant plant use, as well as measures that may be incorporated into the project to reduce peak hour water demand.
- 12. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the portion of the project to be developed on the County parcel, which addresses the following:
 - a. Water demand required by project
(fire flow demand as determined by the Fire Department)
 - b. Master Plan/General Plan Amendment (GPA) review
The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2O NET) must be run with the proposed land use demands (i.e. GPA), and

contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the current Water Master Plan was adopted).

The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2O NET), for a fee to be paid by the developer a minimum of 30 days in advance. The developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project proposed development on the County parcel, at no cost to the City. Any incremental impacts to the City's water system would need to be mitigated to the satisfaction of the Department of Public Works - Water Division.

13. Prior to the issuance of building permits, for any lot within the parcel within the County of Orange, the applicant shall show proof from LAFCO of approval of annexation of the County parcel into the City of Huntington Beach and the Orange County Sanitation District, subject to the approval of the City Planning and Public Works Departments.
14. Irrigation systems within the Park which minimize water waste shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features:
 - a. Raised planters and berming in conjunction with closely spaced low volume, low angle (22 ½ degree) sprinkler heads.
 - b. Drip irrigation
 - c. Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses.
 - d. The use of reclaimed water for irrigated areas and grass lands. The project applicants shall connect to the Orange County Water District's "Green Acres" system of reclaimed water should this supply of water be available. Separate irrigation services shall be installed to ease this transition.
15. Landscape and irrigation plans for the Park which encourage minimized use of lawns and utilize warm season, drought tolerant species shall be submitted to and approved by the Water Division and Park, Tree, and Landscape Division.

SEWER

16. Prior to the issuance of building permits, the property owner (Shea Homes) shall construct the new sewer lift station and force main in accordance with the City-approved Sewer Plan for the proposed project, and implement conditions of the Public Works Department regarding sewer infrastructure improvements to handle increased sewer flow demands.

STORM DRAINS

Please refer to Drainage/Hydrology within this Section of the Findings.

NATURAL GAS

17. Prior to issuance of building permits, the Southern California Gas Company or designated natural gas provider shall be consulted with during the building design phase for further energy conservation measures.

ELECTRICITY

18. Prior to issuance of building permits, SCE shall be consulted with during the building design phase for further energy conservation measures.

C. UNAVOIDABLE ADVERSE IMPACTS

The proposed recommended project would not result in impacts that could not be mitigated to a level less than significant. No impacts would remain unavoidable and adverse.

III. REJECTION OF THE ORIGINAL PROJECT AND OTHER PROJECT ALTERNATIVES

This section provides findings and facts in support of the findings for the rejection of the originally proposed project and other alternatives to the project.

ENVIRONMENTAL IMPACT REPORT

Consistent with Section 15126.6(a), the EIR evaluated a range of alternatives for the proposed Parkside Estates residential project. Table A provides a summary of the alternatives to the originally proposed project that were analyzed in the Draft EIR (Alternatives 1-5) and the alternatives that were proposed subsequent to the circulation of the Draft EIR, in response to comments on the Draft EIR, revised FIRM map issued by FEMA, and the November 2000 Coastal Commission decision (Alternatives 6-9). The following describes each alternative and the findings and facts in support of findings that provide the rationale for the rejection of the other alternatives and the original project. Rationale for the support of the environmentally superior Alternative 7, which has been recommended by the City staff to replace the original project was provided in Section II of this document.

**TABLE A
SUMMARY OF ALTERNATIVES**

Original Project/Alternatives	Technically Feasible	Meets Project Applicant's Objectives	Environmentally Superior
Original Project	No	Yes	No
Alt. 1 - No Project/No Development	Yes	No	Yes
Alt. 2 - Development under Existing Zoning	Yes	No	No
Alt. 3 - Alternative Location	No	No	No
Alt. 4 - Alternative Park Site Location	Yes	No	No
Alt. 5 - Alternative Roadway Connections	No	No	No
Alternate A	Maybe	No	No
Alternate B	No	No	No
Alternate C			
Alt. 6 - RDA* (9-lot County), 10.9 feet BFE	Yes	Yes	No
Alt. 7 - RDA* (9-lot County), 4.5 feet BFE	Yes	Yes	Yes
Alt. 8 - RDA* (0-lot County), 10.9 feet BFE	Yes	No	No

Alt. 9 - RDA* (0-lot County), 4.5 feet BFE	Yes	No	Yes
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Source: EDAW, Inc.

- 1) * Reduced Density Alternative
- 2) BFE - Base Flood Elevation

Original Project

Although the original project which was analyzed in the April 1998 Draft EIR would meet the objectives of the applicant, it is technically infeasible due to FEMA's June 14, 2000 revision of the FIRM map and subsequent approval on June 6, 2002 of the CLOMR, which required the project's base flood elevation be increased. Additionally, substantial comments were made on the original project during circulation of the Draft EIR, which led staff to prepare a "reduced density" alternative that would avoid the environmental impacts that the original project would create. Under the original project, the site would be developed under the proposed/alterd General Plan and zoning designations. This alternative would result in the total development of 206 single-family homes and a 3.8-acre park site.

Findings

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

Facts in Support of Finding

1. The originally proposed project is infeasible in light of the FEMA's issuance of a revised FIRM on June 14, 2000 and subsequent approval of a CLOMR on June 6, 2002.

Alternative 1 - No Project/No Development

An evaluation of a "No Project" Alternative is required by CEQA Guidelines Section 15126.6(e). Under this alternative, the proposed project would not be implemented and the site would remain in its current undeveloped state.

The No Project/No Development alternative is technically feasible, however, it would restrict development of the project site by not allowing the construction of the residential and park uses proposed as part of the project. The vacant, undeveloped site would remain as it is currently and no development would occur.

FINDING

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

FACTS IN SUPPORT OF FINDING

1. This alternative would not meet any of the objectives of the applicant nor City of Huntington Beach as stated on pages 3-30 and 3-31 of the Final EIR.
2. This alternative is not consistent with the goals, objectives, and policies of the City of Huntington Beach Land Use, Housing, and Recreation and Community Services Elements (stated on pages 5-5, 5-6, 5-9, and 5-12 of the Final EIR), since it does not allow for further development of the site despite the fact that such development is envisioned by the General Plan.
3. Under this alternative existing drainage deficiencies at the Graham Street storm drain system would continue.
4. Under this alternative deficient sewer pump station facilities would not be replaced and expanded.
5. Under this alternative a neighborhood public park would not be constructed, which would benefit the existing residential area.
6. Under this alternative the flood insurance map from unnumbered A zone (approximate) to Zone AE (detailed) would not be upgraded by FEMA.
7. Under this alternative (existing flood insurance map), approximately 1,430 acres would remain within the mandatory flood insurance zone and approximately 2,410 acres would not have the potential for reduced flood insurance (including 1,200 acres of residential and commercial property.)

Alternative 2 - Development under Existing Zoning

Under this alternative, the proposed project would not be implemented, and the project site would be developed under the existing City of Huntington Beach and County of Orange zoning. The City of Huntington Beach parcel of the project site would be developed under the existing zoning, which allows for seven (7) dwelling units per acre. Based on 44.5 acres, development under the existing City zoning would allow for maximum buildout of 311 residential units. The County of Orange parcel of the project site would be developed under the existing zoning, which allows for 6.5 - 12.5 dwelling units per acre. Based on 4.5 acres, development under the existing County zoning would allow for maximum buildout of 56 units. This alternative would result in the total development of a maximum of 367 dwelling units.

FINDING

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

FACTS IN SUPPORT OF FINDING

1. This alternative would not meet the project applicant's objectives.
2. Impacts from this alternative would be the same as or greater than the originally proposed project (which has also been rejected).

3. This alternative creates additional environmental impacts over the originally proposed project (refer to Table AA of the Final EIR). A summary of these additional impacts is provided below.
4. This alternative would result in the development of 367 units, resulting in on-site and off-site land use compatibility impacts.
5. This alternative would generate greater traffic volumes due to construction of 367 units.
6. The construction of 367 units would result in greater short-term air quality impacts due to additional trucks and construction vehicle traffic.
7. The additional homes developed would generate greater traffic volumes, thereby increasing long-term mobile source emissions.
8. Construction of 367 units would result in greater short-term noise impacts due to the additional trucks and construction vehicle traffic.
9. This alternative would result in increased surface water runoff due to the covering of surface soils with impermeable structures and surfaces.
10. This alternative would result in grading of a larger area.
11. Under this alternative demand on utilities and services would be greater for the increased number of units (i.e., 161 units more than the originally proposed project).

Alternative 3 - Alternative Location

This alternative considers locating the proposed project at a different site. This alternative is required by CEQA and is intended to evaluate the option of the development of the proposed project at another site. Pursuant to CEQA Guidelines, any alternative site evaluated herein must have similar characteristics as the project site including size, landform, and amenity opportunities. Development would include the same type of use, density, and intensity as the proposed project site. Upon a preliminary analysis of the potential sites of approximately 49 acres within the City of Huntington Beach, the Holly-Seacliff development site was selected for consideration as an alternative site. However, this site was rejected from further review due to various constraints encountered.

FINDING

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

FACTS IN SUPPORT OF FINDING

1. This alternative does not meet the objectives of the applicant nor City of Huntington Beach as stated on pages 3-30 and 3-31 of the Final EIR.

2. The location of Holly-Seacliff site does not meet the objectives of remediating existing deficiencies related to storm drainage sewer pump station facilities and liquefiable soils.
3. Multiple areas within the Holly-Seacliff Project area are currently zoned for Residential Low Density 1, allowing for residential densities ranging from 4 to 7 dwelling units per acre. These sites, however, are already developed and cannot accommodate the project as proposed.

Alternative 4 - Alternative Park Site Location (Alternative Suggested during Scoping Meeting)

This alternative assumes that the park would be located in another area of the site. Under this alternative, the proposed ± 3.8 -acre park site would be located in the eastern portion of the site adjacent to Graham Street, rather than in the northwestern corner of the site adjacent to the existing bluffs and eucalyptus trees. The alternative park location would provide a buffer from Graham Street, which would be considered a positive aspect of this alternative.

Relocating the park adjacent to Graham Street would in turn relocate homes to the proposed project's park location in order to accommodate the total construction of 206 units. Development of the residential uses within this area would require grading to allow for residential pads.

FINDING

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

FACTS IN SUPPORT OF FINDING

1. This alternative does not meet the project applicant's objective of dedicating and improving a park site consistent with the City's Land Use Element, which designates a portion of the site OS-P (Open Space-Park).
2. This alternative does not reduce impacts of the originally proposed project.
3. This alternative creates additional environmental impacts over the originally proposed project (refer to Table AA of the Final EIR). A summary of these additional impacts is provided below.
4. Locating the park along Graham Street would require a General Plan Amendment for the entire park site area.
5. Due to the park site's adjacency to Graham Street, public safety impacts could occur.
6. Relocating the park site could potentially generate more project traffic volumes, because it would impel more residents to drive to this location. Impacts associated with on-street parking would be greater.

Alternative 5 - Alternative Roadway Connections

This alternative consists of a roadway connection from the project site to Bolsa Chica Street. Three alternate plans (Circulation Alternative A through C) for street connections to Bolsa Chica Street were analyzed. It is assumed that implementation of this alternative would result in the construction of 206 dwelling units and a park site.

- *Alternative Roadway Alignment A - Northerly Extension.* This alternative would involve a westerly extension of "B" Street, north of the proposed park site, connecting Bolsa Chica Street.
- *Alternative Roadway Alignment B - Mid Extension.* This alternative would involve a westerly extension of "I" Street, running along the proposed park's southern boundary, connecting to Bolsa Chica Street.
- *Alternative Roadway Alignment C - Southerly Extension.* This alternative would involve a westerly extension of "L" Street in the southern portion of the project site that connects to Bolsa Chica Street.

Finding

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

Facts in Support of Finding

1. This alternative creates additional environmental impacts over the originally proposed project (refer to Table AA of the Final EIR). A summary of these additional impacts is provided below.
2. The roadway extension would affect the immediate views of the site that adjacent residents currently maintain.
3. Increased construction noise levels would occur due to the increase of construction vehicles associated with roadway development.
4. Additional noise impacts could occur due to more vehicles traveling through the project site.
5. This alternative would result in additional surface water runoff due to the covering of surface soils with impermeable structures and surfaces related to the roadway extension.
6. Alternative A is not technically feasible. It would create a confusing and potentially dangerous intersection at Bolsa Chica Street. There is an existing Bolsa Chica intersection at Los Patos Avenue to the west and an opposite private driveway serving the condominium development to the east. The extension of Bolsa Chica Street will have a prevailing speed of about 45 mph. Adding another intersection immediately adjacent to the private driveway would create turning conflicts at the three legs intersecting Bolsa Chica at nearly the same point.
7. Alternative A does not meet the applicant's objectives as stated on pages 3-30 and 3-31 of the Final EIR.

8. Alternative B, although technically feasible, would require a massive cut (from 130 feet to 170 feet wide) through privately owned property virtually destroying its development potential in order to maintain a maximum 8 percent grade. Because of this cut slope Alternative B will impact the adjacent private property.
9. Under this alternative, depending on the vertical and horizontal alignment of Bolsa Chica Street, there may be a sight distance problem for southbound to eastbound left turns and for westbound vehicles seeing northbound vehicles at prevailing speeds on Bolsa Chica.
10. Alternative B does not meet the applicant's objectives as stated on pages 3-30 and 3-31 of the Final EIR.
11. Alternative C is not technically feasible. Bolsa Chica Street at this intersection will be on a horizontal and vertical curve with prevailing speeds of about 50 miles per hour. The southerly extension will be on a horizontal curve and an uphill grade of about 4% at its intersection with Bolsa Chica. Acceleration from a 4% uphill grade onto a street with vertical and horizontal curves and prevailing speeds of 50 miles per hour at the intersection would be challenging for the average driver.
12. Under this alternative, there will most likely be sight distance limitations for southbound to eastbound left turns and for westbound vehicles seeing southbound and northbound vehicles on Bolsa Chica. The severity of the sight distance limitations will depend on the vertical and horizontal alignment of Bolsa Chica.
13. Alternative C does not meet the applicant's objectives as stated on pages 3-30 and 3-31 of the Final EIR.

Alternative 6 - Reduced Density Alternative (9-Lot County) with Existing Base Flood Elevation (June 2000 FEMA) - 10.9 Feet at Northeast Corner

This alternative is technically feasible but is not consistent with the June 6, 2002 FEMA approval for the project site. It meets the project applicant's objectives. This alternative reduces some impacts of the original project in that it completely avoids the eucalyptus trees, the EPA delineated pocket wetland, and the pickleweed patch located on the County portion of the Site. It provides six additional acres of open space. This alternative plan would have a total of 77 estate lots with a minimum size of 6,000 square feet and average size of 7,359 square feet and 94 parkside lots with a minimum size of 5,000 square feet and average size of 5,631 square feet. The overall plan would have a gross density of 3.5 dwelling units per acre, and the plan provides for 14.4 acres of park/open space. Lastly, the alternative land use plan provides for a 464-foot buffer from the proposed closest residential use to the 0.13-acre on-site ESHA, and it includes a 133-foot separation (including a 50-foot paseo park) from the existing residential units along Kenilworth to the closest proposed residential unit.

Finding

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

Facts in Support of Finding

1. This alternative substantially increases the finished floor elevations, compared to the original project and alternatives 7 and 9, which in turn increases the amount of import and hauling of dirt and lengthens the duration of grading operations.
2. Lengthening duration of grading operations will result in greater short-term traffic impacts.
3. Lengthening duration of grading operations will result in greater short-term air quality impacts.
4. Lengthening duration of grading operations will result in greater short-term noise impacts.
5. The BFE's presented under this alternative were approximated prior to FEMA's June 6, 2002 approval of the CLOMR and therefore this alternative is not consistent with the approved CLOMR for the site.

Alternative 8 - Reduced Density Alternative (0-Lot County) with Existing Base Flood Elevation (June 2000 FEMA) - 10.9 Feet at Northeast Corner

This alternative is technically feasible but is not consistent with the June 6, 2002 FEMA approved CLOMR for the project site. It meets the project applicant's objectives. This alternative reduces some impacts of the original project in that it completely avoids the eucalyptus trees, the EPA delineated pocket wetland, and the pickleweed patch located on the County portion of the Site. It provides 7.7 additional acres of open space. This alternative plan would have a total of 77 estate lots with a minimum size of 6,000 square feet and average size of 7,362 square feet and 84 parkside lots with a minimum size of 5,000 square feet and average size of 5,651 square feet. The overall plan would have a gross density of 3.2 dwelling units per acre, and the plan provides for 16.1 acres of park/open space. Lastly, the alternative land use plan provides for a 767.3-foot buffer from the proposed closest residential use to the 0.13-acre on-site ESHA, and it includes a 133-foot separation (including a 50-foot paseo park) from the existing residential units along Kenilworth to the closest proposed residential unit.

Finding

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

Facts in Support of Finding

1. This alternative substantially increases the finished floor elevations, compared to the original project and alternatives 7 and 9, which in turn increases the amount of import and hauling of dirt and lengthens the duration of grading operations.
2. Lengthening duration of grading operations will result in greater short-term traffic impacts.
3. Lengthening duration of grading operations will result in greater short-term air quality impacts.
4. Lengthening duration of grading operations will result in greater short-term noise impacts.

5. The BFE's presented under this alternative were approximated prior to FEMA's June 6, 2002 approval of the CLOMR and therefore this alternative is not consistent with the approved CLOMR for the site.

Alternative 9 - Reduced Density Alternative (0-Lot County) with Projected Base Flood Elevation (updated FEMA with LOMR) - 4.5 Feet

This alternative is technically feasible. It meets most of the project applicant's objectives. This alternative reduces some impacts of the original project in that it completely avoids the eucalyptus trees, the EPA delineated pocket wetland, and the pickleweed patch located on the County portion of the Site. It provides 7.7 additional acres of open space. Implementation of this alternative results in fewer impacts related to flooding than the original project and Alternatives 6 and 8. This alternative plan would have a total of 77 estate lots with a minimum size of 6,000 square feet and average size of 7,362 square feet and 84 parkside lots with a minimum size of 5,000 square feet and average size of 5,651 square feet. The overall plan would have a gross density of 3.2 dwelling units per acre, and the plan provides for 16.1 acres of park/open space. Lastly, the alternative land use plan provides for a 767.3-foot buffer from the proposed closest residential use to the 0.13-acre on-site ESHA, and it includes a 133-foot separation (including a 50-foot paseo park) from the existing residential units along Kenilworth to the closest proposed residential unit.

Finding

Finding (3) - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091(a)(1)(2)(3) of the Guidelines).

Facts in Support of Finding

1. This alternative would not meet all of the objectives of the applicant as stated on pages 3-30 and 3-31 of the Final EIR.
2. This alternative would not meet all of the objectives of the City pertaining to housing as stated on page 3-31 of the Final EIR.
3. This alternative does not protect any additional wetland habitat compared with the recommended project.
4. This alternative would result in loss of 350 linear feet of improvements to EGGW Channel, valued at \$350,000, which would be a decrease in area-wide drainage improvements.
5. This alternative would result in loss of 350 linear feet of Class I bikeway improvements along the Channel, which would be a decrease in area-wide recreational/public access improvements.

Public Hearing Part 3 of 3 – Approved Action – See Recommended Action 2 on the Mitigation Monitoring Report

ATTACHMENT 3*

Mitigation Monitoring Program

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
LAND USE COMPATIBILITY The proposed project may result in inconsistencies with the City's Affordable Housing Policy.	1. Prior to recordation of a final tract map, the applicant must satisfy the City's policy requiring 10 percent of proposed units to be affordable. This requirement must be satisfied to the discretion of the City Department of Planning through one of the following methods: a. Pay a fee to the City, if such a process is available; b. Participate with other developers or a non-profit organization to acquire and/or rehabilitate existing apartment units at any off-site location within a suitable area and provide for continued affordability; or c. Provide the required affordable units at one of Shea Homes' future multi-family projects within the City of Huntington Beach.	Prior to recordation of a final tract Map	Applicant	Final Map Check	Once upon completion	Planning Department		
The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, may result in inconsistencies with the City's Affordable Housing Policy.	Mitigation Measure 1 above shall be implemented.	Prior to recordation of a final tract map	Applicant	Final Map Check	Once upon completion	Planning Department		
AESTHETICS / LIGHT AND GLARE The proposed project may be perceived as having a substantial, demonstrable, negative	1. Prior to approval of building permits, the applicant shall provide proof of incorporation of City comments / conditions related to the overall proposed design and layout of buildings, and landscaping. This design and layout of buildings shall be approved by the City Department of Planning.	Prior to approval of building permit	Applicant	Plan Check	City option to implement as needed	Planning Department		

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
negative aesthetic effect due to the reduction of viewable open space areas.	2. Prior to issuance of building permits, the applicant shall submit a landscaping plan for the area outside the perimeter wall along Graham Street to be reviewed and approved by the City Department of Planning.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
The "originally" proposed project would result in the removal of eucalyptus trees, which could affect the current views of the site. <i>The recommended project, "Alternative 7" would not result in the removal of eucalyptus trees and therefore mitigation measure 3 would not be required.</i>	3. Prior to approval of building permits, the applicant shall provide a Landscape Plan to be approved by the Department of Public Works and the Department of Planning, which includes the replacement of all mature trees on the site at a 2:1 ratio with 36-inch box trees.	Prior to approval of building permit	Applicant	Plan Check	Once upon completion	Public Works & Planning Division		
The proposed project may result in impacts to County-proposed trails.	4. Prior to approval of building permits, the applicant shall submit a bikeways plan to the City of Huntington Beach Planning Department, in consultation with the Manager of the County PFRD/HBP Program Management and	Prior to approval of building permit	Applicant	Plan Check	Once upon completion	Planning Department		
AESTHETICS / LIGHT AND GLARE	<i>Coordination, for approval of consistency with the Orange County Bikeway Plan.</i>							
LIGHT AND GLARE On-Site The project's development will increase the generation of light and glare on-site with on-site vehicle-related increases. In addition, the proposed project	1. Prior to the approval of building permits, the applicant shall prepare a plan, which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the City Planning and Public Works Departments. 2. Prior to the approval of building permits, if outdoor lighting is to be included, energy saving lamps shall be used. All outside	Prior to approval of building permits Prior to approval of building permits Prior to	Applicant Applicant Applicant	Plan Check Plan Check Plan	Once upon completion City option to implement as needed City option to implement as needed	Planning and Public Works Department		

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
LIGHT AND GLARE may result in an impact on the surrounding residential developments primarily to the north, and to some extent, to the east.	lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations. 3. Non-reflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the City Planning and Public Works Department.	approval of building permits		Check				
Off-Site Lighting from the proposed development may result in light and glare impacts to adjacent off-site uses.	Mitigation Measures 1 through 3 above shall be implemented.							
TRANSPORTATION / CIRCULATION The proposed project will result in short-term construction related impacts due to the addition of truck and construction vehicle traffic. Depending on the location of the haul route, traffic impacts along the selected route may occur.	1. Prior to the issuance of grading permits, the applicant shall coordinate with the City of Huntington Beach in developing a truck and construction vehicle routing plan (including dirt import haul route). This plan shall specify the hours in which transport activities can occur and methods to minimize construction related impacts to adjacent residences. The final plan shall be approved by the City Engineer.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
The proposed project may result in impacts to pedestrian, bicycle, and vehicular safety related to the establishment of access and an on-site circulation system.	2. Prior to the final inspection, the applicant shall construct a traffic signal and improve the intersection at the proposed "A" Street and Graham Street.	During construction	Applicant	Final inspection	Once upon completion	City Engineer		

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TRANSPORTATION / CIRCULATION (CONT'D)	3. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.	Prior to issuance of building permits	Applicant	Construction Review	Once upon completion	City Engineer		
	4. Prior to the final inspection, the applicant shall be responsible for restriping Graham Street from Glenstone to the project access ("A" Street) as follows: <ul style="list-style-type: none"> Two 7 foot bikelanes; one 12' through lane in each direction, and a 14' two-way left turning median. Additionally, the applicant shall be responsible for restriping Graham Street from "A" street to Warner Avenue, as follows: <ul style="list-style-type: none"> Two 7 foot bikelanes, one 18' through lane in each direction, and a 14' two-way left turning median. The improvements shall be approved by the City Engineer.	During Construction	Applicant	Final inspection	Once upon completion	City Engineer		
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will result in level of service deficiencies at the intersections Bolsa Chica Street and Warner Avenue and Graham Street and Warner Avenue under the year 2020 condition.	5. Prior to the issuance of building permits, the applicant shall pay the applicable Traffic Impact Fee (TIF) for the City of Huntington Beach. The actual allocation shall be approved by the City. Appropriate credits shall be granted toward the TIF. The TIF shall cover the project's fair share of year 2020 improvements to the arterial street system such as: <ul style="list-style-type: none"> Bolsa Chica Street/Warner Avenue – reconfigure intersection for east/west traffic to provide dual left turns and either three throughs or two throughs and an exclusive right turn lane. This deficiency is a product of cumulative growth and not a direct result of the proposed project. Graham Street/Warner Avenue – reconfigure intersection to provide an exclusive southbound right turn 	Prior to issuance of building permits	Applicant	Building permit issuance	City option to implement as needed	City Engineer		

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	lane from Graham Street to Warner Avenue. This deficiency is a product of cumulative growth and not a direct result of the proposed project.							
AIR QUALITY The proposed project is anticipated to exceed SCAQMD's daily threshold emission levels for NO _x during construction activities. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	1. During grading and construction, the applicant shall be responsible for compliance with the following: A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. B. After clearing, grading, earth moving, or excavation: 1) Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind. 2) Spread soil binders; and 3) Implement street sweeping as necessary.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning and Public Works Departments		
	C. During construction: 1) Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site; 2) Wet down areas in the late morning and after work is completed for the day; 3) Use low sulfur fuel (.05% by weight) for construction equipment. D. Phase and schedule construction activities to avoid high ozone days. E. Discontinue construction during second stage smog alerts.							

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AIR QUALITY (CONT'D)	2. During grading and construction, the applicant shall be responsible for compliance with the following (or other reasonably equivalent measures as required by the City Engineer): A. Require a phased schedule for construction activities to minimize daily emissions. B. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods. C. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days). D. Require the planting of vegetative ground cover as soon as possible on construction sites. E. Install vehicle wheel-washers before the roadway entrance at construction sites. F. Wash off trucks leaving site. G. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides. H. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads. I. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning and Public Works Departments		
AIR QUALITY (CONT'D)	J. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards. K. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical.							

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	3. During grading and construction, the applicant shall be responsible for assuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 mph.	During grading and construction	Applicant	Grading / Construction Review	City option to implement as needed	Planning / Public Works Departments		
	4. During grading and construction, the applicant shall be responsible for the paving of all access aprons to the project site and the maintenance of the paving.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		
	5. Prior to issuance of grading permits, the applicant shall be responsible for assuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions.	Prior to issuance of grading permits	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		
	6. Prior to issuance of grading permits, the applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Public Works Department, shall include, as appropriate: <ul style="list-style-type: none"> Provision of rideshare incentives. Provision of transit incentives for construction personnel. Configuration of construction parking to minimize traffic interference. Measures to minimize obstruction of through traffic lanes. <ul style="list-style-type: none"> Use of a flagman to guide traffic when deemed necessary. 	Prior to issuance of grading permits	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		

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AIR QUALITY (CONT'D) The "originally" proposed project is anticipated to exceed SCAQMD's daily threshold emission levels for CO and ROC. The daily exceedance of the thresholds for CO and ROC is a long-term air quality impact. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact. The recommended project, "Alternative 7" would not exceed SCAQMD's daily threshold emission levels for CO and ROC, however mitigation measures 7 & 8 would still apply to reduce the alternative project's long-term incremental contribution to the air quality impact.	7. Prior to the final inspection, the applicant shall provide proof to the City's Traffic Engineer that the project has contributed its 'fair-share' towards regional traffic improvement systems (i.e., traffic impact fees) for the area. This shall include efforts to synchronize traffic lights on streets impacted by project development.	Prior to issuance of building permits	Applicant	Building permit issuance	City option to implement as needed	Planning and Public Works Departments		
	8. Prior to the final inspection, the applicant shall provide proof that energy saving features have been installed in project homes as required by the Uniform Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc.	Prior to plan check	Applicant	Final inspection	City option to implement as needed	Planning and Public Works Departments		
The proposed project, in conjunction with								

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other past, present, and reasonably foreseeable future projects, will result in a short-term air quality impact due to construction activities. The addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	Mitigation Measures 1 through 6 above shall be implemented.							
The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in significant cumulative long-term impacts to air quality.	Mitigation Measures 7 and 8 above shall be implemented.							
NOISE The proposed project has the potential to result in significant short-term noise impacts during exterior and interior construction activities. NOISE (CONT'D)	1. Prior to issuance of grading permits, the applicant shall submit and have approved a noise mitigation plan to the Department of Planning that will reduce or mitigate short-term noise impacts to nearby noise sensitive. The plan shall comply with the City of Huntington Beach Noise Ordinance and shall include, but not be limited to: A. A criteria of acceptable noise levels based on type and length of exposure to construction noise levels; B. Physical reduction measures such as temporary noise barriers that provide separation between the source and the receptor; temporary soundproof structures to house portable generators; and C. Temporary generators (if utilized) shall be located as far as practical from sensitive noise receptors. D. Mitigation measures such as restrictions on the time	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		

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	of construction for activities resulting in high noise levels.							
	<p>2. Prior to issuance of grading permits, the applicant shall produce evidence acceptable to the City Engineer that:</p> <p>A. All grading and construction vehicles and equipment, fixed or mobile, shall be equipped and maintained with effective muffler systems that use state of the art noise attenuation.</p> <p>B. Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors.</p> <p>C. All operations shall comply with the City of Huntington Beach Noise Ordinance.</p>	Prior to issuance of grading permits	Applicant	Grading Permit Review w/ Construction Review	City option to implement as needed	City Engineer		
Based on the distance of on-site and off-site homes to the park and the barriers included as part of the recommended project (i.e., passive paseo park and slope), the proposed recommended project is not anticipated to result in significant noise impacts from recreational activities at the proposed park site.	<p>3. Prior to issuance of grading permits, the applicant shall produce evidence (specifications) acceptable to the City that the new walls, if constructed, along the project's northern property (along the rear property line of lot #103 to lot #123 on Kenilworth Drive and the side property lines of lots #125 and #126 on Greenleaf Lane of Tract 5792) and Graham Street (along the project's boundary) will be constructed to achieve maximum sound attenuation.</p>	Prior to issuance of grading permits	Applicant	Grading Permit Review w/ Construction Review	City option to implement as needed	Planning Department		
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will not result in a significant incremental increase (0.8 dBA) in traffic noise levels in the year 2020. Noise levels in excess of 65 CNEL are not	Mitigation Measure 3 above shall be implemented.							

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anticipated considering the sound reduction effects of the proposed wall along the northern property line and along Graham Street.								
EARTH RESOURCES Significant settlements of peat deposits within the upper 5 feet could continue over the design life of the structures without mitigation in the form of removal and/or surcharge.	1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.	Prior to issuance of a grading permit	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
EARTH RESOURCES (CONT'D)	2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and	Prior to issuance of building permit	Applicant	Plan Check	City option to implement as needed	City Engineer		

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	Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.							
The potential exists for significant impacts from the on-site mildly to severely corrosive soils.	Mitigation Measures 1 and 2 above shall be implemented.							
The potential exists for soils with poor pavement support characteristics.	Mitigation Measures 1 and 2 above shall be implemented.							
Potential impacts may result from soils with low shear strength.	Mitigation Measures 1 and 2 above shall be implemented.							
Potential impacts may result from soil shrinkage.	Mitigation Measures 1 and 2 above shall be implemented.							
Potential impacts may result from ground shaking.	Mitigation Measures 1 and 2 above, and 3. Prior to issuance of a building permit, it shall be proven to the Department of Building and Safety that all structures are designed in accordance with the seismic design provisions of the Uniform Building Codes or Structural Engineers Association of California to promote safety in the event of an earthquake.	Prior to issuance of building permit	Applicant	Plan Check	City option to implement as needed	Building and Safety Department		
Potential impacts may result associated with Liquefaction and Seismic Settlement.	Mitigation Measure 1 above shall be implemented.							
EARTH RESOURCES (CONT'D) The proposed local dewatering may result in subsidence of adjacent properties along the project's northern property	4. Prior to the issuance of grading permits, the applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate ground water levels during the proposed project dewatering activities. The dewatering	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		

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boundary.	activities shall be adjusted immediately if the monitoring wells show ground water level changes which may effect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works.							
Groundwater impacts may occur.	Mitigation Measure 4 above shall be implemented.							
The potential exists for impacts from hazardous materials to occur.	5. Prior to the issuance of a grading permit, Phase II environmental soil sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels are identified by this analysis, "clean up" measures shall be recommended and implemented. The Phase II sampling and any necessary measures shall be approved by the Department of Public Works.	Prior to issuance of a grading permit	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
	6. Prior to the final inspection, testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning.	During construction	Applicant	Final inspection	City option to implement as needed	Planning Department		
DRAINAGE / HYDROLOGY The proposed project may result in potential impacts to drainage.	1. Prior to the issuance of building permits, the project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements which shall include, but not be limited to: <ul style="list-style-type: none"> ▪ Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows. ▪ Ensure that future building pads are placed at elevations suitable to withstand 100-year flood. ▪ Construct the necessary improvements to the East Garden Grove – Wintersburg Channel (C05) along the site's developed edge 	Prior to issuance of building permits	Applicant	Building Permit Review	City option to implement as needed	Public Works Department		

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The proposed project may result in potential impacts associated with flooding.	Mitigation Measure 1 above shall be implemented.							
The proposed project may result in potential impacts to water quality.	2. Prior to issuance of any grading permits, the applicant shall submit a "Notice of Intent" (NOI), along with the required fee to the State Water Resources Control Board to be covered under the State NPDES General Construction permit and provide the City with a copy of the written reply containing the discharger's identification number.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
DRAINAGE / HYDROLOGY (CONT'D)	3. Prior to the issuance of the grading permits, the applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the EPA) for review and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions which are appropriate.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
The proposed project would contribute to potential cumulative drainage, flooding, and water quality impacts.	Mitigation Measures 1 through 3 above shall be implemented.							
BIOLOGICAL RESOURCES The proposed project may result in impacts to affected species locally and regionally.	1. If project grading construction is scheduled during the normal breeding season for red-tailed hawk and other raptors locally (March to July), a survey shall be conducted for active nests. Prior to the issuance of grading permits, should any active nests be located within the zone of potential disturbance, construction activities shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		

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	site. The 500 foot protection zone shall be fenced with visible warning-color materials. Nest trees shall be removed during the non-breeding season only.							
<p>The “originally” proposed project may result in potential impacts to pocket wetland habitats on the County parcel.</p> <p><i>The recommended project, “Alternative 7” would not result in removal impacts to the County parcel wetland habitats and therefore mitigation measure 2 would not be required.</i></p>	<p>2. Wetland impacts to the isolated pocket wetlands shall be mitigated at a ratio of 4:1 (square footage of wetlands to square footage of fill). The Coastal Development Permit shall require that mitigation for the fill of the pocket wetlands be implemented prior to the issuance of a grading permit for the County Parcel. The mitigation site shall be on-site or within the Bolsa Chica Lowlands unless the Lowlands are sold to a new landowner and the new landowner is unwilling to allow the proposed mitigation to proceed. In such a case, the developer of the site shall find an alternative mitigation site. The total mitigation for the loss of two small patches of degraded pickleweed habitat shall include the preservation and enhancement of 2 acres of appropriate wildlife habitat per the Department of Fish and Game.</p>	Prior to issuance of grading permit for County parcel	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		
<p>BIOLOGICAL RESOURCES (CONT'D)</p> <p>The project, in conjunction with other past, present, and reasonably foreseeable future projects, will incrementally contribute to the cumulative loss of biological resources.</p>	Mitigation Measures 1 and 2 above shall be implemented.							
<p>CULTURAL RESOURCES</p> <p>The proposed project may result in a significant impact on</p>	<p>1. Prior to issuance of a grading permit, the applicant shall conduct a subsurface test investigation for CA-ORA-1308 and 1309 to determine the horizontal</p>	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		

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archaeological sites CA-ORA-1308 and 1309.	boundaries of the sites as well as to confirm the surface conclusions of non-significance as indicated in the March, 1997 Archeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two 1x1-meter hand excavated units for stratigraphic control. The subsurface test investigation, which includes discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and cost estimates, shall be submitted to the Planning Director for review and approval.							
	2. Prior to issuance of a grading permit, the applicant shall create (if deemed necessary through Measure 1 above) a cultural resource management plan based on test results. A full data recovery program shall be designed if site avoidance is not feasible through design. Possible recovery plans include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary. The plan shall include consultation with the appropriate Native American Organization and be reviewed and approved by the Planning Director. Additionally, the plan shall require peer review in conformance with the Coastal Commission's Archeological Guidelines.	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		
CULTURAL RESOURCES (CONT'D)	3. Prior to issuance of a grading permit, the applicant shall provide written evidence that a certified archaeologist has been retained, shall be present at the pre-grading meeting/ conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. The archeological resource surveillance procedures shall include a provision for Native	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		

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	American review of grading operations. If additional or unexpected archaeological features are discovered, the archeologist shall report such findings to the applicant and to the Department of Planning and the appropriate Native American Organization. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the applicant, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.							
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will incrementally contribute to the cumulative loss of potentially significant cultural resources.	Mitigation Measures 1 through 3 above shall be implemented.							
PUBLIC SERVICES AND UTILITIES Implementation of the above measures will mitigate all project-specific impacts to public services and utilities to a level less than significant.	Fire 1. Prior to approval of building permits, building plans shall be submitted to and approved by the Fire Department. If during the Fire Department's plan check it becomes evident that fireground operations will become impeded, the department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc.	Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed	Fire Department		
	POLICE 2. Prior to issuance of building permits, the Police Department shall be consulted during preliminary stages of the project design to review the safety features, determine their adequacy, and suggest improvements.	Prior to issuance of building permits	Applicant	Plan Check	City option to implement as needed	Police Department		
	3. During construction and at complete buildout, the project shall provide easy access into and within the project site for emergency vehicles and	During construction and at complete buildout	Applicant	Construction	Once upon completion	Police Department		

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	addresses shall be well marked to facilitate response by officers. Prior to the first final inspection, project site plans depicting these requirements shall be reviewed and approved by the Police Department.	and during plan check						
	Schools 4. Prior to issuance of building permits, the applicant shall provide school fees to mitigate conditions of overcrowding as part of building permit application. These fees shall be based on the State fee schedule in effect at the time of building permit applications.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
PUBLIC SERVICES AND UTILITIES (CONT'D)	5. Prior to issuance of building permits, the applicant shall show proof of compliance with the Mitigation Agreement established between the Huntington Beach Union High School District, subject to the approval of the City of Huntington Beach.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
	Water 6. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the development proposed on the City parcel, which addresses the following: a. Water demand required by project (fire flow demand as determined by the Fire Department) b. Master Plan/General Plan Amendment (GPA) review The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2ONET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the Water Master Plan was adopted). The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		

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	Model (H2ONET), for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that project demands cannot be met with the City's current water system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City.							
	<p>7. Prior to final inspection, the following water conservation measures shall be implemented as required by state law:</p> <p>a. Ultra-low-flush toilets</p> <p>b. Ultra-low-flow showers and faucets</p> <p>c. Insulation of hot water lines in water recirculating systems</p> <p>d. Compliance with water conservation provisions of the appropriate plumbing code</p>	Plan Check	Applicant	Final inspection	Once upon completion	Public Works Department		
	<p>8. Prior to final inspection issuance, water pressure regulators to limit downstream pressure to a maximum of 60 psi shall be installed.</p>	Plan Check	Applicant	Final inspection	Once upon completion	Public Works Department		
	<p>9. Prior to issuance of building permits, pervious paving material shall be used whenever feasible to reduce surface water runoff and aid in groundwater recharge and slopes and grades shall be controlled to discourage water waste through runoff.</p>	Prior to issuance of building permit	Applicant	Plan Check	Once upon completion	Public Works Department		
	<p>10. Prior to final inspection, the applicant shall provide information to prospective residents regarding benefits of low water use landscaping and sources of additional assistance in selecting irrigation and landscaping.</p>	CC&R review	Applicant	Prior to final map recordation	Once upon completion	Public Works Department		
	<p>11. The Water Division and Park, Tree, and Landscape Division of the City's Public Works Department shall be consulted during design and construction of the Park for further water conservation measures to</p>	During design and construction	Applicant	Plan Check / Construction	City option to implement as needed	Public Works Department		

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
PUBLIC SERVICES AND UTILITIES (CONT'D)	<p>review irrigation designs and drought tolerant plant use, as well as measures that may be incorporated into the project to reduce peak hour water demand.</p> <p>12. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the portion of the project to be developed on the County parcel, which addresses the following:</p> <p>a. Water demand required by project (fire flow demand as determined by the Fire Department)</p> <p>b. Master Plan/General Plan Amendment (GPA) review The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2ONET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the current Water Master Plan was adopted).</p> <p>The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), for a fee to be paid by the developer a minimum of 30 days in advance. The developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project proposed development on the County parcel, at no cost to the City. Any incremental impacts to the City's water system would need to be mitigated to the satisfaction of the Department of Public Works - Water Division.</p>	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
	13. Prior to the issuance of building permits, for any lot within the parcel within the County of Orange, the applicant shall show proof from LAFCO of	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning & Public Works Departments		

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
	approval of annexation of the County parcel into the City of Huntington Beach and the Orange County Sanitation District, subject to the approval of the City Planning and Public Works Departments.							
PUBLIC SERVICES AND UTILITIES (CONT'D)	<p>14. Irrigation systems within the Park, which minimize water waste, shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features:</p> <ul style="list-style-type: none"> a. Raised planters and berming in conjunction with closely spaced low volume, low angle (22 ½ degree) sprinkler heads. b. Drip irrigation c. Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses. d. The use of reclaimed water for irrigated areas and grass lands. The project applicants shall connect to the Orange County Water District's "Green Acres" system of reclaimed water should this supply of water be available. Separate irrigation services shall be installed to ease this transition. 	Prior to issuance of building permits	Applicant	Plan Check	City option to implement as needed	Planning & Public Works Departments		
	15. Landscape and irrigation plans for the Park which encourage minimized use of lawns and utilize warm season, drought tolerant species shall be submitted to and approved by the Water Division and Park, Tree, and Landscape Division.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
	<p>Sewer</p> <p>16. Prior to the issuance of building permits, the property owner (Shea Homes) shall construct the new sewer lift station and force main in accordance with the City-approved Sewer Plan for the proposed project, and implement conditions of the Public Works Department regarding sewer infrastructure improvements to handle increased sewer flow demands.</p>	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
	<i>Natural Gas</i>							

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
	17. Prior to issuance of building permits, the Southern California Gas Company or designated natural gas provider shall be consulted with during the building design phase for further energy conservation measures	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
PUBLIC SERVICES AND UTILITIES (CONT'D)	Electricity 18. Prior to issuance of building permits, SCE shall be consulted with during the building design phase for further energy conservation measures.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
The proposed project will create increased demand for public services and utilities on a local and regional basis. Additionally, the project, in conjunction with other past, present and reasonably foreseeable future projects, will create an increased demand on fire, police, schools, community services, water, sewer, natural gas, and electrical services and facilities.	Mitigation Measures 1 through 18 above shall be implemented.							

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
FROM INITIAL STUDY / NOP								
Natural Resources / Energy The proposed project may result in impacts to natural resources and energy.	1. Building design and construction shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code. Prior to approval of building permits for the Specific Plan, architectural and engineering plans shall be subject to the review and approval of the Director of Building and Safety to ensure conformance with these standards. Energy conservation features should include: <ul style="list-style-type: none">• Installation of thermal insulation in walls and ceilings, which meet or exceed State of California, Title 24 requirements.• Insulation of hot water pipes and duct systems. Use of natural ventilation where possible.• Use of natural gas for space heating and cooking. Installation of ventilation devices.• Orientation to sunlight and use of overhangs.• Landscaping with deciduous trees, to provide shade in the summer months and allow sunlight through in the winter months.	Prior to approval of building permits	Applicant	Plan Check	Once upon completion	Director of Building and Safety		
Public Services and Utilities The proposed project may result in impacts regarding the need for new telephone service to the site.	Telephone 1. Prior to issuance of building permits, building plans shall be submitted to GTE enabling GTE to assess the improvements necessary to provide adequate service to the project site.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
The proposed project may result in impacts to library facilities and services.	Library 1. The applicant shall provide development fees to mitigate conditions of increased demand as part of building permit application. These fees shall be based on the City fee schedule in effect at the time of future building permit applications.	Prior to issuance of building permits	Applicant	Building Permit Issuance	Once upon completion	Planning Department		

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENT OR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
FROM INITIAL STUDY / NOP								
PUBLIC SERVICES AND UTILITIES (CONT'D) The proposed project may result in impacts to solid waste disposal services and facilities.	<i>Solid Waste Disposal</i> 1. To reduce the proposed project's impacts on waste disposal facilities, project designs shall develop a means of reducing the amount of waste generated both during construction and when the project is in use. The waste reduction program shall be approved by the Planning Director prior to issuance of building permits. Potential ways of reducing project waste loads include implementation of recycling programs, and use of low maintenance landscaping when possible (i.e., native vegetation instead of turf). 2. Rainbow Disposal shall be contacted during the design stage of project components to ensure the most efficient and economical means for rubbish removal. The designs shall include rubbish enclosures, projected travel areas, and turnabouts where necessary.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Director		
		Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		

(End of the Parkside Estates Public Hearing - See the following for the remainder of the meeting.)

There are two parts of the following Public Hearing Agenda Item. They are inter-related and were presented as part of one public hearing.

(City Council) Part 1 of 2 of Public Hearing Held – Denied Appeal Filed by (1) James A. Lane, HB CARES (Citizens Against Redevelopment Excesses) and (2) Certified the Environmental Impact Report (EIR) No. 01-02 and Approved CIM Group's Appeal of the Planning Commission's Conditions of Approval of the Project (See This Set of Minutes – Public Hearing Part 2 of 2 for Appeal of Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16) (The Strand at Downtown Huntington Beach – Blocks 104/105 – Bounded by Pacific Coast Highway/Sixth Street/Walnut Avenue and Alley b/w Fifth and Main Streets) (Co-Applicants: CIM Group/Huntington, LLC, the Developer and Huntington Beach Redevelopment Agency) Adopted Resolution No. 2002-103 (420.60)

Mayor Cook announced that this was the time scheduled for a public hearing to consider:

Co-Applicants: CIM Group/Huntington, LLC and Redevelopment Agency of the City of Huntington Beach.

Appellants: CIM Group appealing TTM No. 16406, CUP No. 99-45 with Special Permits No. 02-06, and CDP No. 99-16.

James A. Lane, HB CARES appealing EIR No. 01-02, TTM No. 16406, CUP No. 99-45 with Special Permits No. 02-06, and CDP No. 99-16.

Request: Appeals of the Planning Commission's approval of the following:

Staff Report No. 1 of 2 reports addresses the Environmental Impact Report (EIR) No. 01-02: An analysis of potential environmental impacts associated with a mixed-use development consisting of approximately 226,500 sq. ft. of retail, restaurant, office, a 152-room hotel, and an approximately 405 space two-level subterranean public parking structure on an approximately 2.97 acre site.

Part 2 of 2 of this set of minutes sets forth Staff Report No. 2, which addresses all of the following:

Tentative Tract Map No. 16406 (TTM): A subdivision map to consolidate multiple parcels on portions of two blocks into one 2.97-acre parcel for condominium purposes. The map includes right of way dedications along Pacific Coast Highway and 6th Street; the vacation of the alleys on Block 105 for private access easements with reciprocal access; the vacation of a portion of the alley on Block 104 and alley dedications with reciprocal access; and the dedication and reservation of 5th Street for a 65 ft. wide public access easement with reciprocal access including a 24 ft. wide reciprocal easement for vehicular purposes.

Conditional Use Permit No. 99-45 with Special Permits No. 02-06/Coastal Development Permit No. 99-16 (CUP/CDP): To permit the construction of a mixed-use project consisting of approximately 226,500 sq. ft. of retail, restaurant, office, a 152-room hotel, and an approximately 405 space two-level subterranean public parking structure on an approximately 2.97 acre site. To permit 5.9% (24 spaces) of the 405 total parking spaces in the subterranean

garage to be compact in size. To permit valet service, parking entrance gates with attendant booths, and collection of fees within the subterranean parking garage.

Special Permits: To permit the following:

- 1) Encroach into the minimum ground floor setback along Pacific Coast Highway at 0 ft. in lieu of 15 ft.;
- 2) Encroach into the minimum ground floor setback along Sixth Street at 6.5 ft. in lieu of 15 ft.;
- 3) Encroach into the minimum ground floor setback along Walnut Ave. at 5 ft. in lieu of 15 ft.;
- 4) Encroach into the minimum upper story setback along Pacific Coast Highway at 9 ft./average 11 ft. 4 in. in lieu of minimum 15 ft./average 25 ft.;
- 5) To exceed the maximum building height with the hotel at 49 ft. 6 in. in lieu of 45 ft. and the architectural tower at 70 ft. in lieu of 55 ft.; and
- 6) To reduce the view corridor on Fifth Street from 80 ft to 65 ft.

Location: Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street. **The project does not include Ocean View Promenade, the retail buildings fronting on Main Street, the El Don Liquor building, or the Worthy property at the corner of Sixth and Walnut (Blocks 104 and 105).**

See end of Part 2 of 2 for contents of hearing held and votes taken on all Recommended Actions.

(City Council) Part 2 of 2 of Public Hearing Held – Denied Appeal Filed by (1) James A. Lane, HB CARES (Huntington Beach Citizens Against Redevelopment Excesses) Sustaining the Planning Commission's Approval of Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 (See Minute Item Part 1 of 2 for Appeal of Environmental Impact Report (EIR) No. 01-02) (The Strand at Downtown Huntington Beach – Blocks 104/105 – Bounded by Pacific Coast Highway/Sixth Street/Walnut Avenue/ and Alley b/w Fifth and Main Streets – Approved Appeal of the Conditions of Approval Filed by Co-Applicants: the Developer, CIM/Huntington, LLC and Huntington Beach Redevelopment Agency (420.60)

See the foregoing in Part 1 for subject matter of hearing to be considered.

Appealable Jurisdiction of Coastal Zone:

Notice is hereby given that these agenda items which includes Coastal Development Permit No. 99-16 filed on July 22, 1999, in conjunction with the above request, is located in the appealable jurisdiction of the Coastal Zone.

Notice is hereby given that the Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. City Council action on Coastal Development Permit No. 99-16 may be appealed to the California Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the California Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision

Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The California Coastal Commission address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

Environmental Status: Notice is hereby given that **Environmental Impact Report No. 01-02** for these agenda items was processed and completed in accordance with the California Environmental Quality Act. It was determined that these agenda items would have a significant environmental effect and, therefore, an environmental impact report is warranted. The environmental impact report is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

Communication dated 10/16/02 from John Given, Sr. Vice President of CIM with recommendations for Council on appeal filed was included in the agenda packet.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Councilmember Houchen stated that she would abstain from consideration due to a conflict of interest. The income she derives from real estate employment could be affected and her home is within 500 feet of the project.

Planning Director Howard Zelefsky presented the PowerPoint presentation titled *Appeal of the Strand at Downtown Huntington Beach – "Blocks 104/105,"* which had been announced earlier by the City Clerk as a Late Communication.

The following individuals spoke prior to the opening of the public hearing:

Marty Barker of Gensler Architects, stated he is representing the applicant and continued the above referenced PowerPoint presentation on the Strand. Mr. Barker spoke regarding the amenities of the proposed project, highlighting the pedestrian zones.

Jim Lane, appellant and representative of HBCARES (Huntington Beach Citizens Against Redevelopment Excesses) reviewed his concerns with Council. He spoke in opposition to the project, stating that it is not a good fit with the rest of the area. Mr. Lane requested not to approve the project due to the lateness of the hour.

Mayor Cook declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the above-mentioned, in addition to the other, Late Communications that pertain to this public hearing:

Communication submitted by Stephen K. Bone of The Robert Mayer Corporation received by the City Clerk's Office on October 21, 2002 in favor of The Strand development.

Communication submitted by Charlie and Margie Bunten received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

Communication submitted by Bob Polkow received by the City Clerk's Office on October 21, 2002 in favor of the proposed plans and development.

Communication submitted by Rutan & Tucker received by the City Clerk's Office on October 21, 2002 in opposition to D-2a, D-2b, and D-3 proposed plans and development.

PowerPoint presentation from Planning titled *Appeal of the Strand at Downtown Huntington Beach "Blocks 104/105."*

PowerPoint presentation from the Redevelopment Agency titled *Public Hearing on the Strand.*

Frank Alfonso informed Council that his two points of concern related to parking and traffic. He stated that the flow of traffic into his building's parking structure will cause congestion. Mr. Alfonso suggested that there should be a dedicated right-hand turn lane between 5th and 6th Streets and Pacific Coast Highway.

Bob Bolen questioned the validity of this public hearing, stating that it did not start until October 22, 2002 and was advertised as scheduled for October 21, 2002. He spoke in opposition to the project for reasons of parking space allocation issues. Mr. Bolen recommended that there should be a "back door" that can be designated for a parking structure.

Ed Bagstad, El Don Liquor Store owner, stated on behalf of himself and other Main Street property owners, he would like compensation for any loss of business due to the project. He also requested a 10-foot setback. Mr. Bagstad spoke regarding problems with deliveries to businesses on Main Street, Pacific Coast Highway, Walnut Street and Fifth Street.

Steve Daniel spoke in favor of the proposal as a project, which has been anticipated over the last 10 years. Mr. Daniel stated the need for affordable downtown parking.

Joyce Riddell spoke in favor of the Strand Project as good for generating property sales tax and TOT (Transient Occupancy Tax).

Doug Traub, President, Huntington Beach Conference and Visitors Bureau, stated that The Strand is needed in order for the city to become an overnight destination and for revitalization of the downtown. Mr. Traub expressed his belief that project it will curtail sales tax leakage.

Susan Worthy spoke regarding the historic Worthy House and restoration. Ms. Worthy voiced her support of the project.

Guy Guzzardo informed Council that he worked with the staff and the developer and applicant, CIM Group, and is in support of the project.

Richard Harlow stated he is representing the applicant but that he is also a Main Street property owner. Mr. Harlow supported the project as essential in order for the downtown to go forward.

John Given, CIM Group and applicant, spoke regarding the Worthy property setback and mitigations proposed for the project. He stated that since the appeal he filed, requirements for a broad range of improvements were complied with relative to the upper level setback. Mr. Given informed Council that his group has been working with Ms. Worthy and Mr. Guzzardo with regard to landscaping. He requested that Council consider the conditions of approval and findings of approval on setbacks.

Mr. Given and Mr. Guzzardo pointed to and discussed the PowerPoint slide titled *Upper Story Setback from Worthy Property*, which was included in the Late Communication announced earlier by the City Clerk titled *Appeal of the Strand at Downtown Huntington Beach – “Blocks 104/105.”* Mr. Given and Mr. Guzzardo agreed continue to work together on their issues relative to the appeal filed by Mr. Given of the Conditions of Approval.

As there were no persons present to speak further on the matter and there were no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Senior Planner Herb Fauland reported on the proposed planting of trees and the setback. He reiterated the Staff Recommendation presented in the Request for Council Action (RCA).

Councilmember Boardman requested a legal opinion as to the validity of the public hearing which had been questioned by the public speaker, Mr. Bolen. Deputy City Attorney Jennifer McGrath responded that the public hearing is valid.

Councilmember Boardman spoke regarding compliance with the Specific Plan.

A motion was made by Bauer, second Green to approve the Staff Recommendation as set forth in the RCA.

Prior to casting votes, Councilmember Dettloff inquired if the motion to follow will stand, in light of the fact that staff, Ms. Worthy, Mr. Guzzardo, and the CIM Group are continuing work on the setback issue.

Discussion was held regarding how the project can be approved with room for negotiating the conditions.

Staff stated that future and ongoing reviews of the project will be conducted.

Councilmember Green requested assurance from staff that small business owners in the Downtown will not carry the burden of parking.

Planning Director Howard Zelefsky affirmed the foregoing.

Public Works Transportation Manager Bob Stachelski informed Council that the dedicated right turn lane at 5th and 6th Streets and Pacific Coast Highway suggested by the first public speaker, Mr. Alfonso, would not be necessary.

Following is the roll call vote taken on both Parts 1 and 2 of the preceding Public Hearing:

(City Council) Part 1 of 2 of Public Hearing Held – Denied Appeal Filed by (1) James A. Lane, HB CARES (Citizens Against Redevelopment Excesses) and (2) Certified the Environmental Impact Report (EIR) No. 01-02 and Approved CIM Group’s Appeal of the Planning Commission’s Conditions Approval of the Project (See This Set of Minutes – Public Hearing Part 2 of 2 for Appeal of Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16) (The Strand at Downtown Huntington Beach – Blocks 104/105 – Bounded by Pacific Coast Highway/Sixth Street/Walnut Avenue and Alley b/w Fifth and Main Streets) (Co-

Applicants: CIM Group/Huntington, LLC, the Developer and Huntington Beach Redevelopment Agency) Adopted Resolution No. 2002-103 (420.60)

A motion was made by Bauer, second Green to certify **Environmental Impact Report No. 01-02** as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by approving **Resolution No. 2002-103** – *“A Resolution of the City Council of the City of Huntington Beach, California (City Council), Certifying that the City Council has Reviewed and Considered Supplemental Environmental Impact Report No. 01-02 for the Strand at Downtown Huntington Beach Project, Making Certain Findings Regarding the environmental Effects of the Proposed Project, and Adopting a Mitigation Monitoring Program and a Statement of Overriding Considerations.” (Attachment No. 1 – on file with the City Clerk’s Office).* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Winchell, Bauer
NOES: Boardman, Cook
ABSENT: None
ABSTAIN: Houchen

(City Council) Part 2 of 2 of Public Hearing Held – Denied Appeal Filed by (1) James A. Lane, HB CARES (Citizens Against Redevelopment Excesses) Sustaining the Planning Commission’s Approval of Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 (See Minute Item Part 1 of 2 for Appeal of Environmental Impact Report (EIR) No. 01-02) (The Strand at Downtown Huntington Beach – Blocks 104/105 – Bounded by Pacific Coast Highway/Sixth Street/Walnut Avenue/ and Alley b/w Fifth and Main Streets – Approved Appeal of the Conditions of Approval filed by Co-Applicants: the Developer, CIM/Huntington, LLC and Huntington Beach Redevelopment Agency (420.60)

A motion was made by Bauer, second Green to:

1. Approve Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06, and Coastal Development No. 99-16 with recommended modifications, findings, and Suggested Conditions of Approval **(Attachment No. 1* - See end of agenda item in this set of minutes);**

and

2. Approve California Environmental Quality Act (CEQA) Statement of Findings and Fact with a Statement of Overriding Considerations **(Attachment No. 4 – on file with the City Clerk’s Office);**

and

3. Approve the Mitigation Monitoring and Reporting Program **(Attachment No. 5 – on file with the City Clerk’s Office).**

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Winchell, Bauer
NOES: Boardman, Cook
ABSENT: None
ABSTAIN: Houchen

Public Hearing Part 2 of 2 – Approved Action - See Recommended Action 1 for Project**ATTACHMENT 1*****FINDINGS AND CONDITIONS OF APPROVAL****TENTATIVE TRACT MAP NO. 16406/CONDITIONAL USE PERMIT NO. 99-45 WITH SPECIAL PERMITS NO. 02-06/COASTAL DEVELOPMENT PERMIT NO. 99-16****FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16406:**

1. Tentative Tract Map No. 16406 for the consolidation of existing parcels into a one-lot subdivision for condominium purposes and the right of way dedications along Pacific Coast Highway and 6th Street; the vacation of the alleys on Block 105 for private access easements with reciprocal access; the vacation of a portion of the alley on Block 104 and alley dedications with reciprocal access; and the dedication and reservation of 5th Street for a 65 ft. wide public access easement including a 24 ft. wide reciprocal easement for vehicular purposes is consistent with the General Plan Land Use Element designation of Mixed Use Vertical - 3.0 Floor Area Ratio – Specific Plan Overlay – Pedestrian Overlay on the subject property because the subdivision will provide a consolidated development consistent with the design concept envisioned by the Downtown Specific Plan and General Plan and will provide the necessary public improvement to complete the Main-Pier Phase II development.
2. The site is physically suitable for the type and density of development. The 2.97-acre project site provides the necessary area for development by consolidating multiple parcels consistent with the intensity and density of District #3, Visitor-Serving Commercial, of the Downtown Specific Plan, The General Plan Land Use designation, and with the implementation of mitigation measures is suitable for development.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The tentative map provides all the necessary easements and access requirements of the City for the public and provides the necessary public improvements. The improvements include dedications, curbs, gutters, sidewalks, streets, alleys, and easements with reciprocal access between properties to adequately serve the site and adjacent properties.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 99-45:

1. Conditional Use Permit No. 99-45 to construct approximately 106,075 square feet of commercial space and a 152-room hotel consisting of approximately 120,170 square feet; to allow 5.9% (24 spaces) of the total 405 parking stalls within the two-level subterranean public parking structure to be compact in size; and to permit valet service, parking entrance gates, attendant booths and collection of fees within the subterranean public parking garage will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, will provide adequate public open space and open air commercial amenities, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan. In addition, the provision of compact parking spaces and a valet parking plan provides an efficient use of the parking structure, maximizes the total number of parking spaces and provides a quick and easy parking alternative to customers of the site.
2. The conditional use permit will be compatible with surrounding uses because the project is designed with a contemporary Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and with the conditions of approval imposed the project will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project as conditioned, incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown. The project will provide public improvements to make the project compatible with other adjacent public improvements required of downtown development to provide a consistent streetscape for the two-block project area.
3. The proposed request to construct approximately 106,075 square feet of commercial space and a 152-room hotel consisting of approximately 120,170 square feet; to allow 5.9% (24 spaces) of the total 405 parking stalls within the two-level subterranean public parking structure to be compact in size; and to permit valet service, parking entrance gates, attendant booths and collection of fees within the subterranean public parking garage will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F12-sp-pd (Mixed Use Vertical – 3.0 FAR – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Policy LU 1.1.2: Promote development in accordance with the Economic Development Element.

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 4.1.1: Require adherence to or consideration of the policies prescribed for Design and Development in the Huntington Beach General Plan, as appropriate.

Policy LU 4.1.2: Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access and parking.

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the American's with Disabilities Act.

Policy LU 5.1.1: Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and Federal (NEPA) and State (CEQA) regulations.

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources, scale and character.

Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development "Overlay" Schedule, as appropriate.

Policy LU 7.1.5: Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for City's neighborhoods, corridors, and centers.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the appropriate principles.

The retail, restaurant, office, and hotel uses proposed for the site represent development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, much of which is currently vacant, and provides additional destination uses that would attract and complement retail and restaurant uses. In addition, the proposed project would help the City to achieve its goal of creating an 18-hour Downtown, with visitors and residents remaining downtown in the evening for shopping, dining, and entertainment.

FINDINGS FOR APPROVAL – SPECIAL PERMITS NO. 02-06:

1. The granting of Special Permits pursuant to Section 4.1.02 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 99-45 for the following:
 - a. Encroach into the minimum ground floor setback along Pacific Coast Highway (0 ft. in lieu of 15 ft.)
 - b. Encroach into the minimum ground floor setback along Sixth Street (6.5 ft. in lieu of 15 ft.)
 - c. Encroach into the minimum ground floor setback along and Walnut Avenue (5 ft. in lieu of 15 ft.)
 - d. Encroach into the minimum upper story setbacks along Pacific Coast Highway 9 ft./average 11 ft. 4 in. in lieu of min. 15 ft./average 25 ft.)
 - e. Exceed the maximum building height with hotel (49.5 ft. in lieu of 45 ft.) and the architectural tower feature (70 ft. in lieu of 55 ft.)
 - f. Reduce the view corridor on Fifth Street (65 ft. in lieu of 80 ft.)

These Special Permits result in a greater benefit from the project and will promote a better living environment because the design of the project provides a consistent development pattern along PCH, provides the necessary and consistent sidewalk width for the types of pedestrians level activities at PCH, Sixth, and Walnut, and promotes the pedestrian scale envisioned by the "Village Concept" of the DTSP. In addition, the project provides an architectural style that provides a distinctive break between the two lower floors and the two upper floors by the use of upper story setbacks, the provision of varied roofline treatments, the use of quality colors and materials and including building heights and a tower that is compatible with the surroundings and provides a focal element encouraged by the Design Guidelines. Finally, the project will not diminish any existing coastal views for the pedestrian at the street level, and it will enhance future views by providing 2nd level terrace views of the beach, ocean and pier. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown core.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due to the use of appropriate site planning by placing buildings in a relationship to the street and pedestrian, the use of contemporary Mediterranean architecture, the incorporation of compatible upper story setbacks, the use of proper building heights, the provision of a tower as a focal element, and the design of 5th Street that enhances public views.
3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, will provide adequate public open space, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan. In addition, the provision of compact parking spaces and a valet parking plan provides an efficient use of the parking structure, maximizes the total number of parking spaces and provides a quick and easy parking alternative to customers of the site.
4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The proposed project is physically suitable for the site, it consolidates multiple parcels for an adequate mixed-use development site, provides parking consistent with the

Downtown Parking Master Plan, is consistent with the type and intensities of proposed uses, complies with the Downtown Specific Plan, is consistent with the Downtown Design Guidelines, and provides consistent public improvements to complete the Main-Pier Phase II development envisioned for the two-block area of downtown.

5. The granting of Special Permits will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with the following Coastal Element goals, objectives, and policies:

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

Reducing the ultimate right of way of 5th Street from 80 to 65 ft. will not diminish any views or view corridors currently provided by the existing right of way. The proposed cross section of 5th Street will continue to preserve existing views while enhancing future views with the design of the project. The project proposes all the amenities of a typical downtown street section and also includes design features of upper story setbacks for the buildings that front the street. The incorporation of all the design features will provide the views for the pedestrian at the street level. In addition, the 2nd level terrace adjacent to the hotel provides an enhanced view of the beach, ocean and pier. The proposed special permits in conjunction with Conditional Use

Permit No. 99-45, Coastal development Permit No. 99-16, Tentative Tract Map No. 16406, and the incorporation of and implementation of adopted conditions of approval and the Mitigation Monitoring and Reporting Program of Final EIR No. 01-02 will comply with State and Federal Law.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 99-16:

1. Coastal Development Permit No. 99-16 for the development project, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program by implementation of the following Coastal Element goals, objectives, and policies:

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The proposed project would develop a mix of commercial uses on parcels contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. Additionally, the proposed project would develop visitor-serving commercial

uses in the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established, and include uses generally similar to those proposed by the project, with the exception of a hotel, which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for any special permits approved concurrently. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project as conditioned and with the implementation of all mitigation measure will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, sidewalks, streets, alleys, easements and reciprocal access between properties to adequately serve the site and adjacent properties.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project maintains all exiting and proposed public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, Downtown Specific Plan, and Downtown Parking Master Plan.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16406:

1. The tentative tract map received and dated August 5, 2002 shall be the approved layout with the following modifications:
 - a. The tentative map shall be revised to accurately reflect the redesigned project as conditioned by Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16.
 - b. The service drive entrance and easement at 6th Street shall be designed to provide two-way traffic to the eastern edge of the reciprocal entrance point to the Helme-Worthy site.
 - c. The existing driveway entrance to the Helme-Worthy site on Sixth Street shall be closed and replaced with curb, gutter and sidewalk.
 - d. Remove the proposed water lines as shown on the tentative map: 12-inch in Fifth Street, 8-inch in alleys parallel to Pacific Coast Highway, 6-inch in alley east of Lots 22, 24, 26 and 28 of Block 105. **(PW)**
 - e. The following water lines are minimum requirements to meet the project's demands: **(PW)**
 - 1) Approximately 450 LF of 8-inch water pipeline in Walnut Avenue (between Sixth Street and Main Street).

- 2) Approximately 900 LF of 12-inch water pipeline in Sixth Street (between Olive Avenue and Pacific Coast Highway).
 - f. The 20-foot wide reciprocal access drive for Lot 22 of Block 105 shall be taken from the truck access drive adjacent to the southerly boundary of Lot 22 of Block 105 and through the setback area and relocate the 24-foot wide service driveway to conform to the new design. Requirements for sight distance and turning movements shall be employed in the design of the access. **(PW)**
 - g. The Fifth Street public access easement shall be 65-feet in width. **(PW)**
 - h. The subject property shall enter into irrevocable reciprocal access easement(s) between the subject site and adjacent properties and shall be noted on the map and required to all affected and adjoining parcels from the private access easements. The location and width of the reciprocal driveway easement and all easements shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making all necessary improvements to implement the reciprocal easements/driveway.
2. Prior to submittal of the tract map to the Public Works Department for processing and approval, the following shall be required:
- a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map. The CC&Rs shall include the following: **(PW)**
 - i. Provide for operation, maintenance and replacement of all common area landscaping, irrigation, drainage facilities, public and reciprocal access easements (Fifth Street, alley, parking, driveway, truck access, sidewalk, and street lighting) and open space. **(PW)**
 - ii. Implementation, inspection, maintenance, periodic upgrade and monitoring of the approved Water Quality Management Plan (WQMP). The WQMP shall be included in the CC&Rs as an attachment or addendum for conformance with NPDES requirements. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law. **(PW)**
 - iii. Maintenance, repair and replacement of structures, facilities and utilities within the parking structure as defined by the agreement for operation and use of the parking structure by the City. **(PW)**
 - iv. Provisions for the implementation, management, operation and maintenance of the valet parking and access program. **(PW)**
 - v. Prohibit the blocking or screening of fire hydrants located in the public right-of-way, easements or within the property. **(PW)**
 - vi. Implementation, maintenance and monitoring of the approved Water Quality Management Plan (WQMP). The WQMP shall be included in the CC&Rs as an attachment or addendum for conformance with NPDES requirements. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law. **(PW)**

3. The following conditions shall be completed prior to recordation of the final map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. (PW)
 - a. All vehicular access rights to Fifth and Sixth Streets, Walnut Avenue and the public alleys shall be released and relinquished to the City of Huntington Beach except at locations approved by the Planning Commission. (PW)
 - b. All vehicular access rights to Pacific Coast Highway shall be released and relinquished to the State of California, except at the intersection of Fifth Street and Pacific Coast Highway. (PW)
 - c. The rough grading plan and improvement plans shall be submitted to the Department of Public Works for review. The engineer shall submit cost estimates for determining bond amounts. (PW)
 - d. A detailed soils analysis shall be prepared by a Licensed Civil Engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, chemical and fill properties, retaining walls, streets, and utilities. (PW)
 - e. A sewer study for on and off-site facilities shall be prepared by a Licensed Civil Engineer for review and approval by the Public Works Department. (PW)
 - f. Prior to first plan check submittal, the applicant shall submit a hydraulic computer water model analysis (on H₂O Net) for this project, pursuant to City of Huntington Beach requirements. (The applicant shall coordinate this effort with the Water Division prior to beginning this endeavor.) The analysis shall consider the impacts and mitigation, if necessary, to the existing water services off of the 8-inch water pipeline in the alley west of Main Street, which shall be maintained. If the analysis shows that project demands cannot be met with the City's current water infrastructure system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City. (PW)
 - g. Final hydrology and hydraulic studies for both on and off-site facilities shall be submitted for Public Works review and approval. On-site drainage shall not be directed to adjacent properties, but shall be handled by a Public Works approved method. Runoff from the site shall be restricted as directed by the Department of PW to minimize impacts to downstream facilities. (PW)
 - h. The following shall be dedicated to the City of Huntington Beach:
 - i. The domestic water system and appurtenances as shown on the improvement plans for this tract. Easement widths shall conform with the City of Huntington Beach Standard Plan No. 300.
 - ii. The sanitary sewer system and appurtenances as shown on the improvement plans for this tract.
 - iii. Five feet along entire Pacific Coast Highway frontage.
 - iv. 2.5-feet along the entire Sixth Street frontage.
 - v. 4.5-feet of additional alley right-of-way along the easterly property line west of Main Street and south of Walnut Avenue.

- i. Fifth Street shall be quitclaimed by the Redevelopment Agency. An easement of 65-feet in width shall be conveyed by the Developer to the City of Huntington Beach for drainage, utility, pedestrian and vehicular access purposes. Quitclaim and the grant of easement must occur at the same time to maintain full use of Fifth Street without interruption of existing uses and activities. **(PW)**
- j. Vacation and abandonment of portions of alley rights-of-way in Block 105. **(PW)**
- k. 20-foot wide reciprocal access for Lot 22 of Block 105 shall be taken from the truck access drive adjacent to the south boundary of Lot 22 of Block 105. Requirements for sight distance and turning movements shall be observed in the design of the access. **(PW)**
- l. All street lighting, excluding Fifth Street, shall be conveyed to Southern California Edison Co. for maintenance and operation. **(PW)**
- m. A reproducible mylar copy and a print of the recorded tract map shall be submitted to the Department of Public Works at the time of recordation. **(PW)**
- n. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item: **(PW)**
 - i. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
 - ii. Provide a digital-graphics file of said map to the County of Orange.
 - o. Provide a digital-graphics file of said map to the City per the following design criteria: **(PW)**
 - i. Design Specification:
 - 1) Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
 - 2) Digital data shall have double precision accuracy (up to fifteen significant digits).
 - 3) Digital data shall have units in US FEET.
 - 4) A separate drawing file shall be submitted for each individual sheet.
 - 5) Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
 - 6) Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
 - ii. File Format and Media Specification:
 - 1) Shall be in compliance with the following file format:
 - AutoCAD (version 13 or later) drawing file: _____.DWG
 - 2) Shall be in compliance with the following media type:
 - CD Recordable (CD-R) 650 Megabytes
 - p. The developer shall provide a Maintenance and License Agreement for maintenance of all public improvements within the public right-of-way for Fifth and Sixth Streets, Walnut Avenue and Pacific Coast Highway. **(PW)**

- q. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. **(PW)**
- r. All improvement securities (Faithful Performance, Labor & Material and Monumentation Bonds) and Subdivision Agreement shall be posted with the Department of Public Works and approved as to form by the City Attorney. **(PW)**
- s. All Public Works fees shall be paid. **(PW)**

INFORMATION ON SPECIFIC CODE REQUIREMENTS - TENTATIVE TRACT MAP NO. 16406:

- 5. Tentative Tract No. 16406 shall not become effective until the ten-calendar day appeal period has elapsed.
- 6. Tentative Map No. 16406 and Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall become null and void unless exercised within two (2) years of the date of final approval which is October 4, 2004. An extension of time may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
- 7. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
- 8. All applicable fees shall be paid from the Building, Public Works, and Fire Departments fees prior to map recordation. **(PW)**
- 9. The final map shall be recorded with the County of Orange.
- 10. The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director, Public Works Director, and Fire Chief shall be notified in writing if any changes to the approved tract map conditions of approval are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director, Public Works Director, and Fire Chief have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission's may be required pursuant to the HBZSO.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 99-45 WITH SPECIAL PERMIT NO. 02-06, COASTAL DEVELOPMENT PERMIT NO. 99-16:

- 1. The site plan, floor plans and elevations received and dated August 5, 2002 shall be the conceptually approved layout with the following modifications:
 - a. The plans shall incorporate a 20-foot setback from the property line between the Helme-Worthy project property and Building F/G of the proposed project. The plan shall also include, where Building F/G adjoins the Helme-Worthy buildings along the southern property line, a 10-15-foot average upper-level setback for the third and fourth floors to create a distinct separation

between the new and older buildings. **(MM 3.3-3)** The 20 ft. setback shall be fully landscaped with turf and trees except at the 20 ft. reciprocal access point.

- b. The service drive shall be enclosed adjacent the southerly property line of the Helme-Worthy site with compatible materials, except at the 20 ft. reciprocal access point, and shall have an attached trellis with vine landscaping treatment.
- c. A 20 ft. reciprocal access drive shall be provided from the service drive to the Helme-Worthy site. The service drive shall be designed for two-way traffic to the eastern edge of the reciprocal access drive.
- d. The 7.5 ft. vacated to the Helme-Worthy site shall be designed to provide a landscaped planter with an 8 ft. high wall along the easterly property line adjacent to the 15 ft. one-way easement at Walnut Ave. The landscaped planter and wall shall be constructed along the entire length of the eastern edge and designed to comply with any necessary vision clearance and setbacks requirements from Walnut Ave.
- e. An 8 ft. high wall shall be constructed along the entire southerly property line of the Helme-Worthy site. The design shall comply with any necessary vision clearance and setbacks requirements from Sixth Street and the point of intersection at the easement.
- f. Incorporate a minimum three ft. ground floor setback for all portions of first floor buildings (A & D) abutting alleys. Setbacks above the ground floor may cantilever to a zero ft. (0 ft.) setback.
- g. Incorporate an additional 2.5 ft. setback for buildings (A, D, E) fronting 5th Street to provide additional sidewalk space for outdoor dining (minimum 10 ft. width) and public open space purposes. The upper levels shall maintain their setbacks and terraces to maintain the integrity of the architectural upper level design.
- h. The hotel (Bldg. G) square footage shall be reduced or additional parking shall be provided to reflect compliance with the Block A Existing and Proposed Development table in the Kaku Associates study dated September 27, 2000.
- i. The two-level subterranean public parking structure, ramps, and all required parking spaces and striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. The applicant shall analyze to the satisfaction of the Public Works Department that the proposed parking lot access and loading configuration will operate satisfactorily. The close proximity of the service drive and the parking garage access must be separated. **(PW -Code Requirement)**
- j. Depict all utility apparatus and cabinets, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in any setback and shall be screened from view. No above ground utility cabinets of any kind shall be located in any sidewalk or block pedestrian access **(Code Requirement)**
- k. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally

compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing screening must be submitted for review and approval with the application for building permit(s). **(Code Requirement)**

- l. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
- m. The maximum separation between building wall and property line shall not exceed two (2) inches. Buildings designed to be located near to property line(s) must have their exterior wall adjacent to the property line(s) designed for 2" maximum out of plane displacement resulting from prescribed lateral forces specified by the Uniform Building Code. Maintenance agreement may be required for any zero lot line construction.
- n. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations. The lighting for the tower shall be within the tower element and shall not spill onto adjacent properties.
- o. The driveway entrances shall have textured and colored pavement (behind sidewalk on private property) for a depth of 8 ft.
- p. The public access drive from Sixth Street to Walnut Avenue shall include adequate access and turning room for disposal collection vehicles, including 55-feet to pickup and drop-off containers on a straight shot, a minimum turning diameter of 86-feet and total height for lift operations and clearance. **(MM 3.8-3)**
- q. Building C of the proposed project shall incorporate ground level and second story design features of the Ocean View Promenade Structure and, to the extent feasible, of the building containing El Don Liquors. These features shall include, but not be limited to, windows, textures, and roofing and lighting materials. Prior to issuance of a grading permit, the revised project design concept shall be review by the City Design Review Board for architectural and scale compatibility with the El Don Liquors structure. **(MM 3.3-2)**
- r. To the extent feasible, the Applicant shall use non-reflective facade treatments, such as matte paint or glass coatings. **(MM 3.1-2)**
- s. The new buildings within the project site shall use light-colored roof materials to reflect heat and reduce energy demand and associated emissions. **(MM 3.2-9)**
2. Prior to issuance of demolition permits, the following shall be completed:
 - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods,

containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.

- b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
 - f. A truck hauling and routing plan for all trucks involved in asbestos removal and demolition of the existing structures shall be submitted to the Department of Public Works and approved by the Director of Public Works.
 - g. The applicant shall disclose the method of demolition on the demolition permit application for review and approval by the Building and Safety Director.
 - h. Pursuant to Section 65590 of the California Government Code, the applicant shall submit a plan for replacement of any existing residential units occupied by persons and families of low or moderate income that are converted or demolished as a result of this project for review and approval by the Planning Department.
3. The following conditions shall be completed prior to issuance of a grading permit:
- a. Separate plans for demolition and removals, stockpiling, surcharge and other independent or phased remedial or earth moving operations, rough grading, and precise grading, shall be prepared by a Licensed Civil Engineer, and be submitted to the Public Works Department for review and approval. **(PW)**
 - b. The grading plan prepared for the proposed project shall contain the recommendations included in the Preliminary Geotechnical Investigation for Blocks 104/105, City of Huntington Beach Redevelopment, Westerly of Pacific Coast Highway and Main Street, City of Huntington Beach, California prepared by Leighton and Associates, dated May 22, 2000. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, seismic design features, excavation stability and shoring requirements, lateral earth pressure, foundation design, concrete slabs and pavements, cement type and corrosion measures, surface drainage, trench backfill, plan review, and geotechnical observation and testing of earthwork operations. **(MM 3.4-1)**
 - c. The final grading and foundation plans shall be reviewed by the project geotechnical consultant and the City of Huntington Beach Public Works Department to verify that the preliminary recommendations provided in this report are applicable. **(MM 3.4-2)**
 - d. Southern California Edison, Verizon, The Gas Company and Time Warner shall be contacted to remove their facilities from the existing alleys. The utilities shall be

undergrounded. Utilities in the alley serving Lots 22, 24, 26 and 28 of Block 105 shall be reconfigured/relocated. **(PW)**

- e. Street Improvement Plans, per City of Huntington Beach standards, for Fifth and Sixth Streets and Walnut Avenue shall be prepared by a Licensed Civil Engineer, and submitted to the Public Works Department for review and approval. The following improvements shall be shown on the plans: **(PW)**
- f. Fifth Street improvement plans shall be in accordance with the tentative tract map, these conditions of approval and approved Parking Access and Valet Parking plans. The plan shall include a minimum 24-foot wide roadway for public access and 9-foot wide valet turnout areas. The curb return radius at Fifth Street at Pacific Coast Highway and Fifth Street at Walnut Avenue shall be 35-feet. Curb returns shall have ADA compliant access ramps. Improvements shall also match the Abdelmuti/Ocean View Promenade project. Additional modifications may be required to gain Caltrans approval for improvements at Pacific Coast Highway. **(PW)**
- g. Removal of curb, gutter, sidewalk, paving and base aggregate as required along Fifth Street frontage. Replace with new curb, gutter, sidewalk and paving structural section. Improvements shall also match the Abdelmuti/Ocean View Promenade project. **(PW)**
- h. Remove and replace the existing alley drive approach in Fifth Street with an ADA compliant alley driveway approach. Improvements shall also match the Abdelmuti/Ocean View Promenade project. **(PW)**
- i. Remove and replace curb, gutter, sidewalk, driveways, alley driveway and half-street paving along the Sixth Street frontage. Improvements shall also match the Abdelmuti/Ocean View Promenade project. Curbs shall be painted red to prohibit parking as directed by the Transportation Manager. **(PW)**
- j. Remove the existing driveway on Sixth Street, located on Lot 22 and replace with curb, gutter and sidewalk. Remove and replace half street paving on Sixth Street and Walnut Avenue adjacent to Lots 22, 24, 26, and 28. The southeast corner of Sixth Street and Walnut Avenue shall be ADA compliant with an access map. **(PW)**
- k. The curb return radius at Sixth Street at Pacific Coast Highway and Sixth Street at Walnut Avenue shall be 35-feet. Curb returns shall have ADA compliant access ramps. Additional modifications may be required to gain Caltrans approval for improvements at Pacific Coast Highway. **(PW)**
- l. A new catch basin and lateral on Sixth Street at Pacific Coast Highway sized to intercept the 100-year storm event. The existing catch basin and lateral on Main Street between Walnut Avenue and Pacific Coast Highway shall be removed and a new manhole installed. **(PW)**
- m. Portions of Sixth Street adjacent to driveways and intersections between Pacific Coast Highway and Walnut Avenue shall be red curbed as directed by the Transportation Manager. **(PW)**
- n. Remove and replace curb, gutter, sidewalk and half-street paving along the Walnut Avenue frontage. Improvements shall also match the Abdelmuti/Ocean View Promenade project. **(PW)**
- o. The intersection of Fifth Street and Walnut Avenue shall be redesigned to eliminate the existing corner cross drains. **(PW)**
- p. Curb returns at Fifth Street and Walnut Avenue and Sixth Street and Walnut Avenue shall have ADA compliant access ramps. **(PW)**

- q. Remove and replace the two existing alley approaches on Walnut Avenue with ADA compliant alley driveways approaches. Improvements shall also match the Abdelmuti/Ocean View Promenade project. **(PW)**
- r. Pavement for half-width of existing alley including the center concrete v-gutter, plus pavement for 4.5-feet of additional alley dedication along the easterly property line and the southerly property line between Pacific Coast Highway and Walnut Avenue, easterly of Fifth Street. **(PW)**
- s. The truck access driveway entry off Sixth Street shall be a minimum of 24-feet in width, with an ADA compliant driveway approach and able to accommodate outbound vehicles from Lot 22 of Block 105. The Transportation Manager shall approve the width of the reciprocal access driveway, upon submittal of truck turning templates for the driveway. The width of the drive aisle shall also accommodate egress traffic from Lot 22 of Block 105 and eastbound trucks. **(PW)**
- t. Remove curb, gutter, sidewalk and all driveways along the Pacific Coast Highway frontage including the El Don Liquor site (lots 7, 8, and a portion of 9, block 104) and replace with curb, gutter and sidewalk. Improvements shall also match the Abdelmuti/Ocean View Promenade project. Newly constructed curbs shall be painted red. If necessary, Pacific Coast Highway shall be repaved per Caltrans requirements. Plans shall be per Caltrans standards and submitted concurrently to the City and Caltrans for approval. **(PW)**
- u. A separate signing and striping plan for Fifth and Sixth Streets and Walnut Avenue, shall be prepared by a Licensed Civil or Traffic Engineer and be submitted to Public Works Department for review and approval. The plans shall address the truck access in Block 105 for one-way traffic along the easterly boundary of Lots 22, 24, 26, and 28 of Block 105. The plans shall be prepared according to the Signing and Striping Plan Preparation Guidelines. A separate signing and striping plan for Pacific Coast Highway per Caltrans standards and submitted concurrently to the City and Caltrans for approval. The plans shall incorporate appropriate provisions as required to gain any necessary Caltrans approvals. **(PW)**
- v. Street lighting plans for all streets adjacent to the project, shall be prepared by a Licensed Civil or Electrical Engineer, and be submitted to Public Works Department for review and approval. Lighting shall be per the Downtown Specific Plan, and the City of Huntington Beach guidelines. Street lighting calculations shall be provided to support the design. **(PW)**
- w. Street lighting on Fifth Street shall be removed completely from Walnut Avenue to Pacific Coast Highway. **(PW)**
- x. New street lighting for Fifth Street shall be operated and maintained by the Developer as provided in the CC&Rs. **(PW)**
- y. New street lighting for Sixth Street and Walnut Avenue shall be owned and operated by Southern California Edison. **(PW)**
- z. New street lighting for Pacific Coast Highway shall be owned and operated by Southern California Edison and shall be prepared to Caltrans standards. **(PW)**
- aa. Depict sewer mains, manholes and laterals existing and proposed on plan and profile sheets. All sewer improvements proposed within Caltrans right-of-way will be subject to their review and approval. Sewer mains shall be within public easements. The sewer plan shall address grease traps and accessibility for pumping and maintenance. **(PW)**
- bb. New sewer and water mains in the alleys behind Lot 22 of Block 105 alley east of the project. **(PW)**

- cc. Separate, new domestic meter(s) and service(s) sized to meet the minimum requirements set by the California Plumbing Code shall serve the proposed development. The service laterals shall be a minimum of two-inches in size. The development shall be master-metered to the fullest extent possible. The quantity of public water meters shall be minimized. Sub-metering with private water meters is allowed. **(PW)**
- dd. Fire service(s) shall be separate from the domestic service and sized to meet the minimum requirements set by the Uniform Fire Code, and shall include an appropriate backflow protection device. **(PW)**
- ee. Separate backflow protection devices shall be installed, per Water Division standards for domestic water service, irrigation and fire water services. **(PW)**
- ff. The public water system and appurtenance shall be located within the public right-of-way or within a public easement dedicated to the City. **(PW)**
- gg. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). Any rare species of trees identified on-site shall be preserved to the greatest extent possible. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(PW)**
- hh. The existing public water pipelines located within the proposed project area shall be removed per Water Division standards. The existing water services to the buildings for these lines shall be maintained. The pipelines to be relocated include the following: **(PW)**
 - i. Approximately 500 LF of 6-inch pipeline located in the alley approximately 150 feet north of and parallel with Pacific Coast Highway.
 - ii. Approximately 200 LF of 12-inch pipeline in Fifth Street.
 - iii. Approximately 250 LF of 8-inch/4-inch pipeline located in the alley approximately 150 feet west of and parallel with Fifth Street.
- ii. Signal modification plan for the intersection of Pacific Coast Highway and Sixth Street, as needed to accommodate corner improvements (new curb ramp, sidewalk, utility relocations, etc.). **(PW)**
- jj. All existing utilities including sewer and water shall be relocated to adjacent perimeter streets from alleys being vacated and abandoned and from Fifth Street between Pacific Coast Highway and Walnut Avenue. **(PW)**
- kk. If there are any existing water services (including fire hydrants) outside of the limits of the proposed construction, that will be impacted by the water pipeline removals as stated above; it shall be the responsibility of the applicant to coordinate and effect the relocation of these services to the proposed new water pipelines. **(PW)**
- ll. Approximately 450 LF of 8-inch pipeline in Walnut Avenue, (between Sixth Street and Main Street). **(PW)**
- mm. Approximately 900 LF of 12-inch water pipeline in Sixth Street, (between Olive Avenue and Pacific Coast Highway). **(PW)**
- nn. New fire hydrants on Pacific Coast Highway, if required by the Fire Department, shall connect to the existing 12-inch water pipeline in Pacific Coast Highway. Alternatively, the

applicant may construct a new 12-inch water line (approximately 450 LF) in Pacific Coast Highway between Fifth and Sixth Streets and shall be constructed per Water Division standards (i.e., water pipeline shall NOT be constructed underneath the sidewalk and shall be a looped water system) to serve the fire hydrants.

- oo. A traffic control plan for all work within the City right-of-way and Caltrans right-of-way shall be submitted to the Public Works Department for review and approval. The City's plans shall be prepared according to the Traffic Control Plan Preparation Guidelines. Plans for Pacific Coast Highway shall be per Caltrans requirements and subject to their review and approval. **(PW)**
- pp. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect, shall be submitted to the Public Works Department for review and approval by the Park, Tree and Landscape Division. Irrigation demands shall also be submitted to ensure proper sizing of irrigation services. The landscape plans shall be in conformance with Chapter 232 of the Zoning and Subdivision Ordinance and applicable Design Guidelines. Any existing mature trees that must be removed shall be replaced at a two to one ratio (2:1) with minimum 36 inch box trees and shall be incorporated into the project's landscape plan. The landscape irrigation system shall be designed and constructed to include a separate water line for the use of reclaimed water subject to Water Department approval.

A consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(PW-Code Requirement)**

- qq. Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Catch basins shall be grated and not have side openings. **(PW)**
- rr. To the greatest extent feasible, low flow urban runoff from the project shall be directed to a gross pollutant removal device. The developer shall incorporate Best Management Practices conforming to the requirements at the time of construction.
- ss. Gross pollutant removal devices (CDS or equivalent) for the removal of debris, sediment, oil and water separation, etc., shall be installed as part of the treatment train for the main line systems. Access to these devices for maintenance shall be provided and included within an easement to the City.
- tt. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all de-watering operation flows, and for nuisance flows during construction.
- uu. A WQMP shall be prepared, maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved or unimproved phases of the project. All structural BMPs shall

be sized to infiltrate, filter, or treat the 85-percentile 24-hour storm event or the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches per hour. The WQMP shall include an extensive Association education program, including information booklets and packages for each business owner, and periodic information programs to keep owners current with WQMP practices and requirements.

- vv. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. **(PW)**
- ww. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, City contact (Sudi Shoja (714) 536-5517) regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. **(PW)**
- xx. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. **(PW)**
- yy. A truck-staging plan shall be prepared and submitted to Public Works for approval. Staging of trucks on the streets on the perimeter of the site or within the downtown area will not be permitted. Appropriate truck staging areas shall be identified to minimize impacts to vehicle circulation, area residents and businesses. Truck staging areas identified on Pacific Coast Highway shall be coordinated with Caltrans including obtaining any appropriate encroachment permits. **(PW)**
- zz. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. **(PW)**
- aaa. The project developer(s) shall implement all rules and regulations by the Governing Board of the SCAQMD that are applicable to the development of the Project (such as Rule 402 – Nuisance and Rule 403 – Fugitive Dust) and that are in effect at the time of development. The following measures are currently recommended to implement Rule 403 – Fugitive Dust. These measure have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation. **(MM 3.2-2)**
- bbb. The parking meters surrounding the project shall be removed and returned to the Beach Services Division. The cost of relocating any on-street parking meters and re-striping of on-street parking spaces shall be the sole responsibility of the applicant. All re-striping

and parking meter relocation shall be subject to review and approval of the Public Works Department. **(PW)**

- ccc. The project developer(s) shall develop and implement a construction management plan, as approved by the City of Huntington Beach, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the City of Huntington Beach: **(MM 3.2-1)**
 - i. Configure construction parking to minimize traffic interference.
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
 - iv. Consolidate truck deliveries when possible.
 - v. Maintain equipment and vehicle engines in good condition and in proper time as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
 - vi. Use methanol- or butane-powered on-site mobile equipment instead of gasoline to the extent available and at competitive prices.
- ddd. Provide a Fire Department approved Remedial Action Plan (RAP) based on requirements found in City of Huntington Beach Soil Cleanup Standard, City Specification #431-92. **(FD)**
- eee. From the Division of Oil, Gas & Geothermal Resources (DOGGR) provide a Permit to Conduct Well Operations for all onsite active/abandoned oil wells (714) 816-6847. **(FD)**
- fff. From the DOGGR, provide proof of a DOGGR Site Plan Review application. **(FD)**
- ggg. Obtain a Huntington Beach Fire Department Permit to Abandon Oil Well and follow the requirements of City Specification #422, Oil Well Abandonment Process. **(FD)**
- hhh. Installation and/or removal of underground flammable or combustible liquid storage tanks (UST) require the applicant to first obtain an approved Orange County Environmental Health Care UST permit as a prerequisite in obtaining a Huntington Beach Fire Department UST permit. **(FD)**
- iii. Vapor extraction treatment areas may require conformance to City Specification #431, Gas Fired Appliances. **(FD)**
- jjj. 5th Street shall be designed to support an imposed load of a 72,000 lb. apparatus with a clearance of 13'-6" minimum. **(FD)**
- kkk. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

- III. The option to provide additional parking in the subterranean parking structure shall be explored with the City Council within 60 days of conditional use permit approval in compliance with the Disposition and Development Agreement between the Redevelopment Agency and the Applicant.
- mmm. A revised hotel square footage and parking plan shall be submitted for review and approval to the Planning Director, Public Works Director and the Transportation Manager to indicate compliance with the Downtown Parking Master Plan. The plan must be approved prior to issuance of building permits.
4. The following conditions of approval shall be complied with during grading operations:
 - a. The project developer(s) shall implement all rules and regulations by the Governing Board of the SCAQMD that are applicable to the development of the Project (such as Rule 402—Nuisance and Rule 403—Fugitive Dust) and that are in effect at the time of development. The following measures are currently recommended to implement Rule 403—Fugitive Dust. These measures have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation: (**MM 3.2-2**)
 - i. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading and excavation to keep the soil damp enough to prevent dust being raised by the operations.
 - ii. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only.
 - iii. Wet down the areas that are to be graded or that are being graded and/or excavated, in the late morning and after work is completed for the day.
 - iv. All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
 - v. A traffic speed limit of 15 miles per hour shall be posted and enforced for the unpaved construction roads (if any) on the project site.
 - vi. The construction disturbance area shall be kept as small as possible.
 - vii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.
 - viii. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas.
 - ix. All unpaved parking or staging areas, or unpaved road surfaces shall be watered three times daily or have chemical soil stabilizers applied according to manufacturers' specifications.
 - x. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets.
 - xi. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto paved roads and used to wash off trucks and any equipment leaving the site each trip.
 - xii. Streets adjacent to the project site shall be swept at the end of the day if visible soil material is carried over to adjacent roads.

- xiii. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.
 - xiv. Wind barriers shall be installed along the perimeter of the site.
 - xv. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding area.
 - xvi. The SWPPP, Erosion control and dewatering plans shall be revised and updated as necessary through the phases of the project. Copies of the current plans shall be maintained on-site for review by City or State inspectors. **(PW)**
- b. The project contractor(s) shall implement, but not be limited to, the following best management practices: **(MM 3.6-1)**
- i. Outdoor construction work on the project shall be limited to the hours of 7:00 A.M. to 8:00 P.M. on weekdays and Saturdays. No construction activities shall occur on Sundays or federal holidays.
 - ii. All construction equipment with a high noise generating potential, including all equipment powered by internal combustion engines, shall be muffled or controlled.
 - iii. All stationary noise generating equipment, such as compressors, shall be located as far as possible from existing houses.
 - iv. Machinery, including motors, shall be turned off when not in use.
 - v. Mobile equipment shall not be allowed to run idle near existing residences.
 - vi. Neighbors within 200 feet of major construction areas shall be notified of the construction schedule in writing prior to construction; the project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; and a telephone number for the noise disturbance coordinator shall be posted conspicuously at the construction site fence and included on the notification sent to neighbors adjacent to the site.
- c. Monitor during grading and excavation for archaeological and paleontological resources: **(MM 3.3-1)**
- i. The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during demolition, grading, trenching, and other excavation on the project site. Additionally, prior to project construction, construction personnel will be informed of the need to stop work on the project site until a qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed of the requirement that unauthorized collection of cultural resources is prohibited.
 - ii. If archaeological or paleontological resources are discovered during earth moving activities, all construction activities on the project site shall cease until the archaeologist/paleontologist evaluates the significance of the resource: in the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the

- resources in consultation with the State Office of Historic Preservation. The archaeologist or paleontologist shall complete a report of the excavations and finding, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the Applicant shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, the California Coastal Commission, and the City of Huntington Beach.
- iii. In the event of the discover on the project site of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find will halt immediately and the area of the find will be protected. If a qualified archaeologist is present, he/she will determine whether the bone is human. If the archaeologist determines that the bone is human, or in the absence of an archaeologist, the Applicant immediately will notify the City Planning Department and the Orange County Coroner of the find and comply with the provisions of P.R.C. of §5097 with respect to Native American involvement, burial treatment, and reburial.
5. Prior to submittal for building permits, the following shall be completed:
- q. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department and submit 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model to the Planning Department for inclusion in the entitlement file.
 - r. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - s. Submit for review a final parking access and valet parking program to the Departments of Planning, Public Works, and Police. The plan shall encourage the use of the 1st. level for public parking. The program shall be approved prior to final building permits or certificate of occupancy, whichever occurs first. **(PW)**
 - t. The applicant shall provide a dedicated trash enclosure for the Helme-Worthy property on their site across from the eastern edge of the historical site in conformance with city requirements.
 - u. The applicant shall relocate the utilities for the Helme-Worthy property at the eastern edge of the historical site in conformance with city requirements.
 - v. Names of streets shall be submitted to and approved by the Huntington Beach Fire Department in accordance with Fire Dept. City Specification No. 409. **(FD)**
 - w. Submit three (3) copies of the site plan *and floor plans* and the processing fee to the Planning Department for addressing purposes. **(FD)**
 - x. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated

g-factors shall be submitted to the City for review prior to the issuance of building permits.
(Code Requirement)

- y. All venting and mechanical systems for any restaurants shall be designed and constructed to minimize potential odor impacts to the hotel and surrounding residential homes. Any external venting or mechanical equipment not screened to the satisfaction of the City shall be subject to review and approval by the Design Review Board prior to submittal of building permits.
 - z. A detailed soils analysis shall be prepared by a Licensed Soils Engineer and submitted with the building permit application. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding: grading, foundations, retaining walls, streets, utilities, and chemical and fill properties of underground items including buried pipe and concrete and the protection thereof. **(BD)**
 - aa. All Fire Department requirements shall be noted on the building plans. **(FD)**
6. Prior to issuance of building permits, the following shall be completed:
- a. A Grading Permit shall be issued. **(PW)**
 - b. A Mitigation Monitoring Fee of 10% of the environmental impact report cost shall be paid to the Planning Department.
 - c. A Downtown Specific Plan (SP-5) fee for new construction in the Downtown Specific Plan area shall be paid to the Planning Department.
 - d. The City Council approved Final Map shall be recorded with the County of Orange. **(PW)**
 - e. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. **(PW)**
 - f. The applicant shall demonstrate the provision of two inbound lanes and one outbound lane for the proposed subterranean parking structure. **(MM 3.9-2)**
 - g. Delivery vehicles shall be restricted to vehicles the size of or smaller than a medium or small semi-trailer with a length of 50-feet. **(MM 3.9-3)**
 - h. The applicant shall submit a parking management plan, consistent with the Downtown Parking Master Plan, for review and approval by the City Planning Department. **(MM 3.9-4)**
 - i. The Applicant shall submit a Solid Waste Management Plan to the City Environmental Services Division, Public Works Department, and recycling coordinator. This plan shall discuss how the project will implement source reduction and recycling methods in compliance with existing City programs. Additionally, this plan shall include how the project will address the construction demolition-generated waste from the site. These methods shall include, but shall not be limited to: **(MM 3.8-4)**
 - i. Emphasize deconstruction and diversion planning rather than demolition.
 - ii. Provision of recycling bins for glass, aluminum, and plastic for visitors and employees of the proposed project.
 - iii. Provision of recycling bins for glass, aluminum, plastic, wood, steel, and concrete for construction workers during construction phases.
 - iv. Bins for cardboard recycling during construction.

- v. Scrap wood recycling during construction.
- vi. Green waste recycling of landscape materials.
- j. The Applicant shall demonstrate that the project includes adequate access for emergency vehicles, automatic fire sprinkler systems, automatic fire alarms, properly sized elevators, and 24-hour security shall be provided. **(MM 3.8-1)**
- k. The Applicant shall consult the Huntington Beach Police Department regarding the provision of adequate Crime Prevention Design measures, and shall incorporate the Department's recommendations into the plan **(MM 3.8-2)**. The subterranean parking structure shall be reviewed for adequate lighting, location and directional signing, use of colors, and use of crime prevention design.
- l. The Final Map shall be accepted by the City Council, recorded with the Orange County Recorder and a copy filed with the Planning Department. **(Code Requirement)**
- m. Final design elevations of grading shall not vary from elevations shown on the tentative map (preliminary grading plan) by more than one (1) foot. **(PW)**
- n. For Fire Department approval, applicant must submit a site plan showing all onsite abandoned oil wells accurately located and identified by well name and API number, plus identify and detail all methane safety measures per City Specification #429, Methane District Building Permit Requirements. **(FD)**
- o. All onsite oil well abandonments must be Fire Department approved per City Specification #429, Methane District Building Permit Requirements, and all abandoned oil well document/inspection fees must be paid. **(FD)**
- p. For Fire Department approval, submit a Fire Protection Plan in compliance with City Specification 426. **(FD)**
- q. Fire access roads shall be provided in compliance with City Specification #401. Include the Circulation Plan and dimensions of all access roads. **(FD)**
- r. Fire hydrants must be installed before combustible construction begins. Shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. Indicate hydrant locations and fire department connections. Your project requires a minimum of () hydrants. **(FD)**
- s. An automatic fire sprinkler system shall be installed throughout. For Fire Department approval, plans shall be submitted to Building as separate plans for permits. **(FD)**
- t. Class III wet standpipe systems shall be utilized. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. **(FD)**
- u. Class I, Division 2 electrical installation shall be utilized. **(FD)**
- v. A subterranean air handling system will be required. **(FD)**
- w. A fire alarm system in compliance with Huntington Beach Fire Code is required. **(FD)**

- x. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide the following: **(FD)**
 - Manual pulls, horns & strobes
 - Water flow, valve tamper and trouble detection
 - 24-hour supervision
- y. For Fire Department approval, food preparation fire protection systems plans shall be submitted to Building as separate plans for permits. **(FD)**
- z. New street or access road names must be approved by the Fire Department. Please refer to City Specification #409. **(FD)**
- aa. The subject property shall enter into irrevocable reciprocal driveway and access easement(s) between the subject site and adjacent (*southerly, easterly, northerly, westerly*) properties. The location and width of the reciprocal driveway easement and all easements shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making all necessary improvements to implement the reciprocal easements/driveway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. **(Code Requirement)**
- bb. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. Customer and employee access to all adjacent properties and businesses shall be maintained and provided to the greatest extent possible during all construction phases. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
- cc. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file.
- dd. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be reviewed and approved by the Design Review Board prior to the issuance of the first sign permit. The program shall include signs directing the general public to the public open space on the second level terrace. The signs shall also be located at the terrace level indicating that the terrace is for public open space purposes.
- ee. The applicant shall plan to identify a location within the city for the replacement of low and moderate income unit(s) displaced by the project. Said plan shall comply with Section 33413.5 of the California Community Development Law. The displaced unit(s) must be replaced within four years of approval of this conditional use permit. The replacement unit(s) must remain available at an affordable housing cost of low and moderate income persons for the duration of the redevelopment plan. The plan shall be approved prior to the first certificate of occupancy request for the project.

ff. The applicant shall contact the property owner(s) of the residential units across Sixth Street from the entrance/exit to the subterranean parking structure to attempt to mitigate the car headlights impacting the residential units. To the greatest extent possible, the applicant shall work with the property owner(s) to develop a plan in conformance with the DTSP for landscaping and/or any other means to screen the lighting impacts of vehicles leaving the parking structure. The plan shall be submitted to the Planning Department for review and approval. In the event no plan is acceptable to the property owner(s), the applicant shall seek written confirmation from the property owner(s) and submit the letter to the Planning Department.

gg. The Design Review Board shall review and approve the following:

- 1) Final elevation and site layout details on colors, materials, design, and architectural concepts upon Planning Commission action. In comparison to the conceptually approved architecture and layout of the site plan, floor plans, building elevations, colors and materials received and dated January 9, 2002, supplemental plans and information dated March 4, 2002, and onion skin drawings presented at the June 13, 2002 Design Review Board meeting.
- 2) A public art element shall be integrated and be in a publicly accessible place within the proposed project. Public art shall include art of:
 - Artistic excellence and innovation,
 - Appropriate to the design of the project,
 - Reflective of the community's cultural identity, (ecology, history, society).

The public art element shall be reviewed and approved by the Design Review Board, the Community Development Director, and the Cultural Services Division Manager prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final inspection.

- 3) The landscape and public improvement plans shall be reviewed for approval. The public improvements are required to be consistent with the Oceanview Promenade site.
 - 4) The subterranean parking structure shall be reviewed for crime prevention design and incorporation of the improvements identified in condition #6 k.
7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:
- a. Complete all improvements as shown on the Grading and Improvement plans. **(PW)**
 - b. The applicant shall restripe the eastbound approach to provide a second eastbound turn lane at the Brookhurst Street/Pacific Coast Highway intersection, subject to review and approval by the City's Public Works Department. **(MM 3.9-1)**
 - c. The applicant shall develop an on-site signage program to clearly identify parking opportunities, to direct vehicles to the subterranean parking structure, and to guide patrons to pedestrian access points and elevators within the project. **(MM 3.9-6)**

- d. The applicant shall provide a Landscape License Agreement for maintenance of all landscaping within the public rights-of-way. **(PW)**
- e. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. **(PW)**
- f. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- g. All agreements, CC&Rs, covenants and transfers shall be reviewed, executed and completed. **(PW)**
- h. Condominium plans in conformance with the requirements of the Department of Real Estate and other appropriate agencies shall be submitted for review and approval by the City. All airspace and structures to be owned shall be delineated with bearings and distances for all ownerships described, and shall show relationships to property lines and adjacent ownerships and structures. **(PW)**
- i. If the applicant intends to have outdoor dining affecting the public right-of-way, Public Works Department will need to review a plan with the proposal.
- j. Existing street tree(s) to be inspected by the City of Huntington Beach, Park, Trees and Landscape Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. **(PW)**
- k. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. **(PW)**
- l. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- m. Automatic sprinkler systems shall be installed throughout. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. **(FD)**
- n. Address numbers shall be installed on structures to comply with Fire Dept. City Specification 428. **(FD)**
- o. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads. Fire lanes will be designated and posted to comply with Fire Dept. City Specification No. 415. **(FD)**
- p. The project will comply with all provisions of the Huntington Beach Fire Code and Fire Dept. City Specification Nos. 422 and 431 for the abandonment of oil wells and site restoration. **(FD)**

- q. The project will comply will all provisions of Huntington Beach Municipal Code Title 17.04.085 and Fire Dept. City Specification No. 429 for new construction within the methane gas overlay districts. **(FD)**
- r. Security gates shall be designed to comply with City Specification #403. **(FD)**
- s. All project pool areas must have a KNOX access installed on the entry gates. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411. **(FD)**
- t. Fire extinguishers shall be installed and located in areas to comply with HBFC standards found in City Specification #424. **(FD)**
- u. Address numbers shall be installed to comply with City Specification # 428. **(FD)**
- v. Exit signs and exit path markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Low level exit signs will be included. **(FD)**
- w. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415. If fire lane violations occur and the services of the Fire Department are required, the applicant will be liable for expenses incurred. **(FD)**
- x. Solar or low-emission water heaters shall be installed in all new buildings within the project site to reduce energy demand and associated emissions. **(MM 3.2-3)**
- y. Built-in energy-efficient appliances shall be provided in all new buildings within the project site to reduce energy demand and associated emissions. **(MM 3.2-4)**
- z. Air conditioners installed in all new buildings within the project site shall be energy-efficient and shall have automated controls to reduce energy demand and associated emissions. **(MM 3.2-5)**
- aa. Double-glass-paned windows shall be installed in new buildings within the redevelopment area to reduce energy demand and associated emissions. **(MM 3.2-6)**
- bb. Lighting installed in new buildings within the project site shall be energy-efficient and shall have automated controls to reduce energy demand and associated emissions. **(MM 3.2-7)**
- cc. The new buildings within the project site shall exceed Title 24 wall and attic insulation requirements by at least 5 percent to reduce energy demand and associated emissions. **(MM 3.2-8)**
- dd. The proposed project shall include flatwork design and structural BMPs to isolate contamination from the disposal bins and direct any runoff from the disposal area into a sanitary drain with a trash separator, an oil and grease separator, and/or other filtration system as required to meet water quality standards. **(MM 3.4-3)**
- ee. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department. **(PL)**

- ff. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
8. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. All applicable requirements of Condition of Approval No. 3A, i-xvi shall apply during this phase of activity. In addition the following shall apply:
 - i. Comply with the “Water Quality Management Plan” requirements. **(PW)**
 - ii. Truck idling shall be prohibited for periods longer than 10 minutes.
 - iii. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - iv. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - v. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. **(PW)**
 - vi. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - vii. Discontinue operation during second stage smog alerts.
 - viii. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - ix. Compliance with all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(Code Requirement)**
 - b. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(FD)**
 - c. Fire hydrants must be installed before combustible construction begins. Prior to installation, shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. (Fire Dept. City Specification 407) **(FD)**
 - d. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Public Works Department.
 - e. The property owner is responsible for all required clean up of off-site dirt, pavement damage and/or restriping of the public rights-of-way as determined by the Public Works Department.

- f. An Encroachment Permit is required for all work within the City's right-of-way.
- g. An Encroachment Permit is required for all work within Caltran's right-of-way.
- h. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
- i. Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall not become effective until the ten calendar day appeal period has elapsed or until the ten working day appeal period has elapsed for the coastal development permit. Because the project is located in the appealable area of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
2. Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall become null and void unless exercised within two years (Tentative Tract Map No. 16406) of the date of final approval which is October 4, 2004 or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. All applicable fees from the Building, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
6. Traffic Impact Fees shall be paid at the time of final inspection or issuance of a Certificate of Occupancy. **(PW)**
7. State-mandated school impact fees shall be paid prior to issuance of building permits.
8. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.

9. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
10. An encroachment permit shall be required for all work within the right-of-way. **(PW)**
11. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.
12. Outdoor dining is not permitted unless a conditional use permit for this specific use is reviewed and approved.
13. Any restaurant use (greater than 12 seats) shall require the review and approval of a conditional use permit by the Planning Commission.
14. Any outdoor dining use shall require review and approval of a conditional use permit by the Zoning Administrator. All outdoor dining shall be located adjacent to the buildings and the restaurant uses they serve and shall be provided with a metal enclosure.
15. Any proposed alcohol sales shall require the review and approval of a conditional use permit by the Planning Commission.
16. Any proposed live entertainment shall require review and approval of a conditional use permit by the Planning Commission.
17. Any proposed temporary outdoor events for 5th Street shall obtain all necessary City permits in compliance with the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance. A street closure plan shall be submitted to the Department's of Police, Fire, Public Works and Planning for review and approval prior to the closure of 5th Street as part of any event that requires the temporary closure of the street.
18. During ongoing operations of the project, the applicant shall provide valet and/or remote parking for special events and activities, and during peak summer season. **(MM 3.9-5)**
19. The applicant shall submit a check in the amount of \$43 for the posting of the Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
20. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
21. The Applicant shall use minimum light levels required for safety, and exterior lights shall be directed downwards and away from surrounding uses, onto the project site. **(MM 3.1-1)**
22. All applicable Public Works fees shall be paid. **(PW)**

23. All existing and new utilities shall be undergrounded. (PW)
24. Traffic impact fees shall be paid at a rate of \$123 per net new added daily trip. (PW)
25. All parking along the frontage of Sixth Street and Walnut Avenue may be required to be accommodated on-site to accommodate future street configurations as determined necessary by the Planning Director and Public Works Director. (PW)
26. The Mitigation Measures from Huntington Beach Redevelopment Project EIR No. 96-2 shall apply and are referenced in the Mitigation Monitoring and Reporting Program.

(End of the Strand Public Hearing - See the following for the remainder of the meeting.)

(City Council/Redevelopment Agency) Joint Public Hearing Held – Approved Disposition of Property (Bounded by Pacific Coast Highway/Sixth Street/ Walnut Avenue and Alley b/w Fifth and Main Streets) to the Developer, CIM/Huntington, LLC – Approved Third Implementation Agreement to the Disposition and Development Agreement (DDA) (600.30)

Mayor Cook announced that this was the time scheduled for a **joint public hearing** of the Huntington Beach City Council and Redevelopment Agency pursuant to the California Community Redevelopment Law (Health and Safety Code, Sections 33000, et seq.), for the purpose of considering the proposed disposition of property to CIM/HUNTINGTON, LLC (the "Developer"), in accordance with the California Community Redevelopment Law and pursuant to a proposed Third Implementation Agreement to Disposition and Development Agreement, by and between the Agency and Developer.

The proposed Third Implementation Agreement supplements, modifies or incorporates by reference the terms of that certain Disposition and Development Agreement dated as of June 17, 1999 (the "DDA"), as previously supplemented by that certain First Implementation Agreement dated as of April 6, 2000 and that certain Second Implementation Agreement dated as of March 5, 2001 (the DDA and the First, Second and Third Implementation Agreements shall be collectively referred to herein as the "Agreement").

The property proposed to be transferred to the Developer (the "Property") is bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street in Huntington Beach, California, but **does not include Ocean View Promenade, the retail buildings fronting on Main Street, the El Don Liquor building, or the Worthy property at the corner of Sixth and Walnut (Blocks 104 and 105)**. The Property consists of parcels that are presently owned by the Agency (collectively, "Parcel A") and a parcel currently owned by third parties, but which is subject to a Ground Lease and Option to Purchase Fee dated as of March 8, 2000, by and between the owners of the parcel, the Agency, and CIM/Huntington, Inc., Developer's predecessor in interest (the "Leased Premises").

The public hearing was held to consider:

1. The proposed transfer of the Property by the Agency to the Developer, to be accomplished pursuant to the Agreement through a Sale of Parcel A and a Sublease with Option to Purchase Fee of the Leased Premises; and

2. The proposed Third Implementation Agreement to Disposition and Development Agreement submitted to the City Council, which provides for the proposed sale of the Property by the Agency to the Developer.

The staff report further sets forth that following documents are available for public inspection and copying during regular office hours at the offices of the City Clerk:

1. A copy of the proposed **Third Implementation Agreement to Disposition and Development Agreement**.
2. A summary report that describes and specifies:
 - (a) The costs to be incurred by the Agency under the proposed Third Implementation Agreement to Disposition and Development Agreement;
 - (b) The estimated value of the interests to be sold and/or leased pursuant to the Third Implementation Agreement to Disposition and Development Agreement, determined at the highest and best uses of the Property permitted by applicable law;
 - (c) The estimated value of the interests to be sold and/or leased pursuant to the proposed Third Implementation Agreement to Disposition and Development Agreement, determined at the use and with the conditions, covenants and development costs required by the Third Implementation Agreement to Disposition and Development Agreement;
 - (d) The sale price and/or the rent that the Developer will be required to pay pursuant to the Third Implementation Agreement to Disposition and Development Agreement;
 - (e) If the sale price and/or rent and other consideration is less than the fair market value of the interests to be sold and/or leased, determined at the highest and best use, an explanation of the reasons for the difference;
 - (f) An explanation of why the sale and/or lease of the Property will assist in the elimination of blight in the Main-Pier Redevelopment Project.
3. A copy of **Environmental Impact Report No. 01-02**, certified by the Planning Commission on September 23, 2002, which relates to the proposed development of the Property.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Housing and Redevelopment Manager Gus Duran presented a brief oral report.

Mayor Cook declared the public hearing open.

As there were no persons present to speak) on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Green, second Bauer to approve the following actions:

City Council/Redevelopment Agency Actions:

1. Open and conduct the Public Hearing;

and

2. Close the Public Hearing.

Redevelopment Agency Actions:

1. Approve the *Third Implementation Agreement to Disposition and Development Agreement by and between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC Developer* and authorize the Agency Chairman and Agency Clerk to execute the agreement;

and

2. Adopt **Agency Resolution No. 339** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Third Implementation Agreement to the Disposition and Development Agreement between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC” (**Attachment No. 5**);

and

3. Adopt **Agency Resolution No. 340** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach, California (Agency), Certifying that the Agency has Reviewed and Considered Final Supplemental Environmental Impact Report No. 01-02 for the Strand at Downtown Huntington Beach Project, Making Certain Findings Regarding the Environmental Effects of the Proposed Project, and Adopting a Mitigation Monitoring Program and a Statement of Overriding Considerations” (**Attachment No. 6**);

City Council Action:

Adopt **Council Resolution No. 2002-107** – “A Resolution of the City Council of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Third Implementation Agreement to the Disposition and Development Agreement between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC” (**Attachment No. 7**).

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Winchell, Bauer

NOES: Boardman, Cook

ABSENT: None (Houchen absent from the room)

(City Council) Public Hearing Held - Approved General Plan Amendment No. 02-02 and Local Coastal Program Amendment No. 02-02 (Amendment of Circulation Plan of Arterial Streets and Highways) – Orange Avenue between Goldenwest Street and Palm Avenue –

Seacliff Promenade Conceptual Master and Palm/Goldenwest Specific Plan – Adopted Resolution Nos. 2002-98 and 2002-99 (440.50)

Mayor Cook announced that this was the time scheduled for a public hearing to consider:

Applicant: City of Huntington Beach Public Works Department

Request: Deletion of a segment of Orange Avenue between Goldenwest Street and Palm Avenue from Figure CE-13 in the Circulation Element and Figure C-13 in the Coastal Element of the General Plan.

Location: Orange Avenue between Goldenwest Street and Palm Avenue.

Environmental Status: Notice is hereby given that initial environmental assessment for the above items were processed and completed in accordance with the California Environmental Quality Act. It was determined that this agenda item is consistent with **Mitigated Negative Declaration No. 98-08 for the Seacliff Promenade Conceptual Master Plan and Palm/Goldenwest Specific Plan** approved on November 9, 1999.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Mayor Cook declared the public hearing open.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

After a brief discussion, a motion was made by Green, second Bauer to approve the following:

Planning Commission and Staff Recommendation:

1. Approve General Plan Amendment No. 02-02 by adopting **Resolution No. 2002-98** – “A Resolution of the City Council of the City of Huntington Beach Amending the Circulation Element of the General Plan by Approving the Deletion of the Extension of Orange Avenue from Goldenwest Street to Palm Avenue on the Circulation Plan of Arterial Streets and Highways Map (Figure C-13)” (**Attachment No. 1**);

and

2. Approve Local Coastal Program Amendment No. 02-02 with Findings for Approval (**Attachment No. 2**) by adopting **Resolution No. 2002-99** – “A Resolution of the City Council of the City of Huntington Beach, Adopting Local Coastal Program Amendment No. 02-02 to Amend the Local Coastal Program Land Use Plan by Approving the Deletion of the Extension of Orange Avenue from Goldenwest Street to Palm Avenue on the Circulation Plan of Arterial Streets and Highways Map (Figure C-13)” (**Attachment No. 3**).

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: None (Houchen absent from the room)

(City Council) Opened Public Hearing and Continued Open to November 18, 2002 to Consider Adoption of Resolution No. 2002-93 Amending Resolution No. 5159 Establishing a Services Fee Schedule for the Vehicle Immobilizer “Boot” Under the Jurisdiction of the Police Traffic Bureau (340.20)

Mayor Cook announced that this was the time scheduled to conduct a public hearing to consider adoption of a Resolution amending Resolution No. 5159 to establish a new fee for the booting or immobilization of vehicles towed for five or more unpaid parking citations.

Service Fee Schedule for the Vehicle Immobilizer “Boot” Under the Police Traffic Bureau.

The fee of employing (that is, attaching and removing) the vehicle immobilizer “boot” by the Police Department shall be \$100.00. Be it further resolved that except as amended herein, the fees contained in Resolution No. 5159, as amended, shall remain in full force and effect.

Legal notice as provided to the City Clerk’s Office by staff had been published and posted.

A motion was made by Winchell, second Boardman to **open the public hearing and continue open to November 18, 2002.** The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: None (Houchen absent from the room)

(City Council) Opened Administrative Public Hearing and Continued Open to November 18, 2002 to Consider Adoption of Resolution No. 2002-96 Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cook announced that this was the time scheduled to conduct an administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

This administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

Legal notice as provided to the City Clerk’s Office by staff had been published and posted.

A motion was made by Winchell, second Boardman to open the administrative public hearing to consider adoption of **Resolution No. 2002-96** entitled “*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations*” and **continue open to November 18, 2002.** The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: None (Houchen absent from room)

Consent Calendar – Item Removed for Continuance

The following item was removed from the Consent Calendar for **continuance to the Meeting of November 6, 2002**:

(City Council) Resolution No. 2002-105 Revising the Conflict of Interest Code Pertaining to Designated Employees and Officials (630.60)

Consent Calendar – Items Approved

On motion by Green, second Bauer Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Winchell, Bauer (Cook - NO on Amendment to Professional Services Contract between the City and Diane Turner)
 NOES: None
 ABSENT: None (Houchen absent from the room)

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Adjourned Regular meetings of September 9, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved City Responses to Orange County Grand Jury Report – “Affordable Housing, Light One Candle” (430.50) – Approved the proposed responses to the Orange County Grand Jury report “Affordable Housing, Light One Candle,” and authorize the City Administrator to forward the responses to the Grand Jury. Submitted by the Economic Development Director and the Planning Director. Funding Source: Not Applicable.

(City Council) Approved Agreement with the Orange County Sanitation District for Preparation of a Fats, Oils and Grease (FOG) Control Study (600.25) – Authorized the Mayor and City Clerk to execute the *Agreement* with the Orange County Sanitation District. Submitted by the Public Works Director. Funding Source: No funding

(City Council) Approved Plans and Specifications and Authorized Advertisement for South Beach Phase II Improvement Project, CC-1169 (600.80) – Approved the project plans and specifications and authorized the Director of Public Works to request bids for the South Beach Phase II Improvement Project, CC-1169. Submitted by the Acting Community Services Director and the Public Works Director. Funding Source: Funds in the amount of \$9,242,250 from Lease Revenue Bonds, 2001 Series A, are budgeted in South Beach Improvements, Phase II Account.

(City Council) Adopted Resolution No. 2002-104 Concerning the Status of the Circulation Element for the City of Huntington Beach to Conform with the Orange County Master Plan of Arterial Highways (MPAH) (440.50) – Adopted **Resolution No. 2002-104** – “A Resolution of the City Council of the City of Huntington Beach Concerning the Status of the Circulation Element for the City of Huntington Beach.” Submitted by the Public Works Director. Funding Source: None required. **(See Public Hearing Agenda item re: the Circulation Element: This Consent Calendar-Item is approved dependent upon the approval of the Public Hearing Agenda Item – General Plan Amendment No. 02-02, Amendment of**

Circulation Plan of Arterial Streets and Highways scheduled for this City Council meeting of 10/21/02 which had been approved.)

(City Council) Approved Revision to General Plan, Figure CE-3 – Potential for 2010 Circulation Plan to Conform with the Orange County Master Plan of Arterial Highways (MPAH) (440.50) – Approved the revision to Figure CE-3 of the General Plan Circulation Element by adding the footnote to ensure that the City's designated street network can only be implemented following appropriate amendment of the Orange County Master Plan of Arterial Highways (MPAH). Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved Settlement Agreement between the City of Huntington Beach and Mills Land & Water and CALTrans (Orange County Superior Court Case No. 76 36 24) (600.20) – Approved and authorized Mayor (or Mayor Pro Tem) to execute and the City Clerk to attest to the *Agreement for Settlement of Litigation* between the City of Huntington Beach, Mills Land & Water, and Cal-Trans. Submitted by the City Attorney. Funding Source: Self-Insurance Liability, Liability/Settlement Account. (Staff report and agreement refers to Wetlands deed restrictions and the Cabrillo Mobile Home Park.)

(City Council) Approved Reappropriation of Unencumbered Fiscal Year 2001 Youth Sports Grant Funds to Seaview Little League (Burke Elementary School Field) (320.10) – Authorized the reappropriation of the unencumbered 2001 Youth Sports Grant award of \$22,700 from the Park Acquisition and Development Fund previously awarded to Seaview Little League for development of a field. Submitted by the Acting Community Services Director. Funding Source: As stated above.

(City Council) Approved Reimbursement Agreement between the City and Huntington Center Associates, LLC – Community Facilities District 2002-1 (J.h. Snyder and Ezralow Company) (Bella Terra – Formerly Huntington Center Mall) (600.10) – 1. Approved the *Reimbursement Agreement Between the City of Huntington Beach and Huntington Center Associates, LLC for Costs Incurred for Professional Services Contracts for City of Huntington Beach Community Facilities District No. 2002-1 (Bella Terra)* and authorize the Mayor and City Clerk to sign the agreement; and

2. Authorized the acceptance of \$68,580 deposit funds from Huntington Center Associates, LLC into revenue account 10000100.48410 and appropriate \$68,580 from the General Fund unappropriated fund balance into 10080101.69325 for expenses associated with Professional Services Contracts pertaining to the reimbursement agreement, and authorized the reimbursement to Huntington Center Associates, LLC any unspent deposit funds after the termination of the consultants' contracts; and

3. Authorized the Director of Economic Development to enter into the Professional Services Contracts funded through the Reimbursement Agreement with Huntington Center Associates, LLC. Submitted by the Economic Development Director. Funding Source: General Fund unappropriated fund balance. An equal amount of revenue will be deposited into the General Fund; therefore, the net effect to the fund balance would be zero.

(City Council) Appointed Jim B. Engle to Serve as Acting Community Services Director (Effective October 1, 2002) (700.10) – Appointed Jim B. Engle to serve as Acting Community Services Director beginning October 1, 2002 to fill the position vacated by Ron Hagan due to retirement. Submitted by the City Administrator. Funding Source: Not Applicable. Position is approved as part of the General Fund Budget for Fiscal Year 2002/03.

The meeting was recessed to a Joint Meeting of the City Council and Huntington Beach Public Financing Authority, an agency on which Councilmembers also serve as members.

(City Council) Appropriated Huntington Beach Public Finance Authority Lease Revenue Bond Funds and Accept Bid and Award Construction Contract for Concession Improvements at South Beach Phase 1, CC-1106 (600.80) – Huntington Beach Public Financing Authority Action Approved : 1. Appropriated \$520,200 from Lease Revenue Bonds, 2000 Series A to the South Beach Improvements, Phase I Account 30187003.82200. **Huntington Beach City Council Actions Approved:** 1. Accepted the lowest responsive and responsible bid submitted by Allied e Corporation Inc. in the amount of \$520,200, for Concession Improvements, South Beach Phase 1, CC-1106; and 2. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample construction contract. Submitted by the Acting Community Services Director and the Public Works Director. Funding Source: As stated above.

Reconvened City Council/Redevelopment Agency Meeting

(City Council) Approved Standard Lease with Michael Ali for the Zack's Too Beach Concession (600.35) – Authorized the Mayor and City Clerk to execute *Lease between the City of Huntington Beach and Michael Ali for Zack's Too* beach concession, based on the terms and conditions presented herein. Submitted by the Administrative Services Director and the Acting Community Services Director. Funding Source: Not Applicable.

(City Council) Approved Reimbursement Agreement between the City and Fountain Glen Properties, LLC for Professional Inspection Services by the Building & Safety Department Staff in Connection with the Fountain at Seacliff Apartment Project – Authorized Appropriation of Funds (600.10) – 1. Approved the *Reimbursement Agreement Between the City of Huntington Beach and Fountain Glen Properties, LLC for Costs Incurred for Professional Inspection Services* as prepared by the City Attorney, between the City and Fountain Glen Properties, LLC and authorized the Mayor and City Clerk to sign; and

2. Appropriated \$35,000 from the General Fund Balance into the Building & Safety operating account for contract services (10055201.69365) in connection with the Reimbursement Agreement between the City and Fountain Glen Properties, LLC to be utilized by the Department of Building & Safety for full time inspection services. Submitted by the Building & Safety Director. Funding Source: General Fund unappropriated fund balance. An equal amount of revenue will be deposited into the General Fund; therefore, the net effect to the fund balance would be zero.

(City Council) Approved Amendment No. 1 to the Professional Services Contract between the City and Diane Turner for General Public Information Services for the Public Information Office (PIO) Division (600.10) – Approved *Amendment No. 1 to the Professional Services Contract between the City of Huntington Beach and Diane Turner for General Public Information Services* and authorize the Mayor and City Clerk to execute. Submitted by the City Administrator. Funding Source: Public Information Contract Services Account in the amount of \$30,000.

(City Council) Continued to November 6, 2002 to Consider Adoption of Resolution No. 2002-105 Revising the Conflict of Interest Code Pertaining to Designated Employees and Officials (630.60)

The City Council considered a communication from the City Attorney.

Councilmember Boardman requested continuance of the above-captioned agenda item.

A motion was made by Boardman, second Winchell to **continue to the City Council Meeting of November 6, 2002** consideration to adopt **Resolution No. 2002-105** – *“A Resolution of the City Council of the City of Huntington Beach, California Amending Resolution No. 98-19 Relating to its Conflict of Interest Code.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: None (Houchen absent from the room)

(City Council) Approved Acceptance of Park Parcel and Environmental Indemnification Agreement between the City, PLC and Chevron Land & Development Company (CL & D) Pertaining Thereto (for Holmby Park Pursuant to the Holly-Seacliff Development Agreement) (600.10)

The City Council considered a communication from Jim Engle, the Acting Community Services Director; Michael Dolder, the Fire Chief; and Howard Zelefsky, the Planning Director informing Council that PLC has proposed to dedicate a four-acre parcel to the City of Huntington Beach to satisfy its park obligations pursuant to the Holly Seacliff Development Agreement.

Approximately 1.9 acres of the park parcel contains contaminants, primarily Thiophenes and Mercaptans, which produce a very strong skunk-like odor even at low concentrations. Chevron Land & Development Company would cap the contaminated portion of the parcel and PLC would construct the park. The cap will be in place, the park will be constructed and the environmental insurance coverage will be in effect before conveyance of the park to the City. Staff recommends the City Council accept the park parcel pursuant to an Environmental Indemnification Agreement that sets forth the terms of conveyance and the responsibilities and rights of the three parties as well as the insurance coverage.

A motion was made Green, second Bauer to approve the following:

1. Approve the acceptance of the four-acre parcel for future park dedication, subject to the terms of the Environmental Indemnification Agreement and authorize the City Clerk to accept the deed(s) and easement attached to or referenced in the Environmental Indemnification Agreement; and

and

2. Approve and authorize the Mayor and City Clerk to execute the Environmental Indemnification Agreement in substantially the same form and upon approval as to form by the City Attorney's Office, which includes non-standard indemnification provision as set forth in Sections 5.2, 6.1 through 6.3 and 7.1 of the Environmental Indemnification Agreement, the City's indemnification, defense and hold harmless obligations to PLC and Chevron Land & Development Company as set forth in Sections 6.2 and 7.1 of the Environmental Indemnification Agreement; and the insurance deductibles and self insured retentions and programs specified in Sections 6.4(b), 6.4(d)(x) and 6.4(e) of the Agreement;

and

3. Subject to the written approval as to form by the City Attorney, authorize the City Administrator to execute any further documents and instruments as may be necessary or reasonably desirable to consummate the transactions contemplated by the Environmental Indemnification Agreement or any part thereof.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: None (Houchen absent from the room)

(City Council) Adopted Ordinance No. 3591 Amending Chapter 8.21 of the Huntington Beach Municipal Code Relating to Residential Refuse Collection Charges for Low Income Seniors 62 Years and Over (640.10)

A motion was made by Green, second Dettloff to adopt by roll call vote, after the City Clerk read by title, **Ordinance No. 3581** – *“An Ordinance of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Relating to Residential Refuse Collection Charges.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Cook, Winchell, Bauer

NOES: Boardman

ABSENT: None (Houchen absent from the room)

(City Council) Adopted Ordinance No. 3582 Amending the Huntington Beach Municipal Code Chapter 12 Relating to Street Work Relative to Affected Utility Companies (640.10)

A motion was made by Green, second Dettloff to adopt by roll call vote, after the City Clerk read by title, **Ordinance No. 3582** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 12.12 and Adding Chapter 12.13 Relating to Street Work.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: None (Houchen absent from the room)

(City Council) Adopted as Amended Ordinance No. 3583 Establishing the Department of Information Services by Adding Chapter 2.114 (Administrative Services Department) (640.10)

A motion was made by Green, second Dettloff to adopt by roll call vote, after the City Clerk read by title, **Ordinance No. 3583** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 2.114 Relating to the Department of Information Services.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Cook, Boardman, Winchell, Bauer

NOES: None

ABSENT: None (Houchen absent from the room)

Adjournment – City Council/Redevelopment Agency

Due to an anticipated lack of quorum on Monday, November 4, 2002, Mayor Cook adjourned the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach to an adjourned regular meeting on Wednesday, November 6, 2002, at 6:00 p. m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California (the 5:00 p.m. portion of that meeting will be recessed to 6:00 p.m. by the City Clerk due to an anticipated lack of quorum).

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman